STATUTORY RULES OF NORTHERN IRELAND

2001 No. 215

HOUSING; RATES

The Housing Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations (Northern Ireland) 2001

Made - - - -	*18th May 2001*
Coming into operation	*2nd July 2001*

The Department for Social Development, in exercise of the powers conferred on it by sections 5(1)(hh), 165(5) and 167 of the Social Security Administration (Northern Ireland) Act 1992(**1**), Article 74(3) and (5) of the Social Security (Northern Ireland) Order 1998(**2**) and sections 59 and 60 of, and paragraph 20(1)(b) and (3) of Schedule 7 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**3**), and now vested in it(**4**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**5**), by this statutory rule, which contains only regulations made by virtue of, or consequential upon the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations (Northern Ireland) 2001 and shall come into operation on 2nd July 2001.

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

(3) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 8; section 5(1)(hh) was inserted by Article 70 of the Social Security (Northern Ireland) Order 1998
(**2**) S.I.1998/1506 (N.I. 10)
(**3**) 2000 c. 4 (N.I.)
(**4**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**5**) *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
(**6**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 No. 117, S.R. 1990 Nos. 136 and 345, S.R. 1991 Nos. 47, 176 and 337, S.R. 1992 Nos. 141, 404 and 549, S.R. 1993 Nos. 145 and 381, S.R. 1994 No. 335, S.R. 1995 Nos. 129, 367 and 437, S.R. 1996 Nos. 111, 115, 181, 334, 405 and 448, S.R. 1997 Nos. 4, 22, 452 and 454, S.R. 1998 No. 81, S.R. 1999 Nos. 381 and 416, S.R. 2000 Nos. 1, 71, 109 and 265 and S.R. 2001 Nos. 1, 79, 99, 175 and 176
(**7**) 1954 c. 33 (N.I.)

Definitions

2. In regulation 2(1) of the Housing Benefit Regulations—

(a) there shall be inserted in the appropriate places the following definitions—

""the Decisions and Appeals Regulations" means the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(**8**);";

""relevant authority" means an authority administering housing benefit;";

(b) for the definition of "person affected"(**9**) there shall be substituted the following definition —

""person affected" shall be construed in accordance with regulation 3 of the Decisions and Appeals Regulations;".

Substitution of references to "appropriate authority"

3.—(1) Except in a case where paragraph (2) applies, in the provisions of the Housing Benefit Regulations specified in Schedule 1 for the words "appropriate authority", wherever they appear, there shall be substituted "relevant authority".

(2) In regulation 73(5)(**10**) of, and paragraph 1 of Schedule 6 to, the Housing Benefit Regulations for "an appropriate authority" there shall be substituted "a relevant authority".

Substitution of references to "determination" and related references

4. In the Housing Benefit Regulations—

(a) in regulation 5—

(i) in paragraph (6)(*b*) for "that claim has not yet been determined" there shall be substituted "no decision has yet been made on that claim";

(ii) in paragraph (7)(*a*)(**11**) for "which has not yet been determined" there shall be substituted "in respect of which a decision has not yet been made";

(b) in regulation 10A(**12**)—

(i) in the heading for "Determinations" there shall be substituted "Decisions";

(ii) for "determination", wherever that word appears, there shall be substituted "decision";

(c) in regulation 11(**13**)—

(i) in paragraphs (1) to (3A)(**14**), (4) to (7)(**15**), (11)(**16**) and (16)(**17**) for "determined", wherever that word appears, there shall be substituted "decided";

(ii) in paragraphs (1), (7) and (16) for "determination", wherever that word appears, there shall be substituted "decision";

(iii) in paragraphs (5D) and (7) for "determining" there shall be substituted "deciding";

(**8**) S.R. 2001 No. 213
(**9**) Definition of "person affected" was amended by regulation 2(*b*) of S.R. 1994 No. 335 and regulation 4(2)(*b*) of S.R. 1996 No. 405
(**10**) Regulation 73(5) was added by regulation 3(7) of S.R. 1995 No. 367
(**11**) Paragraph (7) was amended by regulation 3(*e*) of S.R. 1993 No. 145
(**12**) Regulation 10A was inserted by regulation 6 of S.R. 1996 No. 111
(**13**) Regulation 11 was substituted by regulation 7 of S.R. 1996 No. 111
(**14**) Paragraph (3A) was substituted by regulation 4(*a*) of S.R. 2001 No. 79
(**15**) Paragraphs (5A) to (5E) were inserted by regulation 5 of S.R. 1999 No. 416
(**16**) Paragraph (11) was substituted by regulation 4(*b*) of S.R. 2001 No. 79
(**17**) In paragraph (16) the definition of "claim-related rent" was inserted by regulation 4(4)(*b*) of S.R. 2000 No. 1 and the definition of "single room rent" was inserted by regulation 4(*f*) of S.R. 1996 No. 181

(d) in regulation 11(1), as saved by regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996(**18**), for "determined" there shall be substituted "decided";

(e) in regulation 12A(**19**)—

(i) in the heading for "determinations" there shall be substituted "decisions";

(ii) in paragraphs (1), (2) and (3) for "determination", wherever that word appears, there shall be substituted "decision";

(iii) in paragraph (4) for "determining" there shall be substituted "deciding";

(f) in regulation 72(4)(*c*)(**20**) for "date of determination of" there shall be substituted "date on which a decision was made on";

(g) in regulation 74 for "determination", in both places where that word appears, there shall be substituted "decision";

(h) in regulation 75(1) for "its determination" there shall be substituted "a decision being made on it";

(i) in the heading to Part XI for "Determination of" there shall be substituted "Decisions on";

(j) in regulation 76—

(i) in the heading for "determination" there shall be substituted "decision";

(ii) in paragraph (2) for "determine" there shall be substituted "make a decision on";

(iii) in paragraph (3) for "Every claim shall be determined by the appropriate authority" there shall be substituted "The relevant authority shall make a decision on each claim";

(k) in regulation 77(**21**)—

(i) in the heading for "determinations" there shall be substituted "decisions";

(ii) in paragraph (1) for "determination", wherever that word appears, there shall be substituted "decision";

(iii) in paragraph (4)(**22**)—

(aa) for "determination", in the first place where that word appears, there shall be substituted "a decision";

(bb) for "as to its determination of" there shall be substituted "for its decision on";

(l) in regulation 91—

(i) in paragraph (1)(**23**) for "determine" there shall be substituted "make a decision on" and in sub-paragraph (*b*) for "determination", in both places where that word appears, there shall be substituted "decision";

(ii) in paragraph (2) for "subsequent determination" there shall be substituted "subsequent decision";

(iii) in paragraph (3) for "subsequent determination" there shall be substituted "the basis of the subsequent decision";

(**18**) S.R. 1996 No. 111; relevant amending Regulations are S.R. 1996 Nos. 405 and 448, S.R. 1998 No. 324 and S.R. 1999 No. 416
(**19**) Regulation 12A was inserted by regulation 9 of S.R. 1996 No. 111
(**20**) Regulation 72(4)(*c*) was amended by regulation 13(*a*) of S.R. 1996 No. 334
(**21**) Regulation 77 was numbered (1) by regulation 8(*a*) of S.R. 1988 No. 117
(**22**) Paragraph (4) was added by regulation 9 of S.R. 1992 No. 141
(**23**) Paragraph (1) was amended by regulation 13 of S.R. 1996 No. 111

(m) in regulation 94(1A)(**24**) for "determination of" there shall be substituted "making of a decision on";

(n) in regulation 97(1A)(**25**) for "determination" there shall be substituted "decision";

(o) in regulation 98(*a*)(**26**) for "determined" there shall be substituted "decided";

(p) in regulation 104(1)(*b*) and (3)(**27**) for "determination" there shall be substituted "decision";

(q) in paragraph 10 of Schedule A1(**28**) and in the heading to that paragraph for "notice of determination" there shall be substituted "the decision notice";

(r) in Schedule 1A(**29**)—

(i) in the heading to—

(aa) that Schedule, and

(bb) Part I of that Schedule,

for "Determinations" there shall be substituted "Decisions";

(ii) for "determination", wherever that word appears, there shall be substituted "decision";

(iii) for "determine", wherever that word appears, there shall be substituted "decide";

(iv) for "determines", wherever that word appears, there shall be substituted "decides";

(v) for "determined", wherever that word appears, there shall be substituted "decided";

(vi) in paragraph 3(4) for "determining" there shall be substituted "deciding";

(s) in Schedule 1B(**30**)—

(i) subject to sub-paragraph (ii), for "determination", wherever that word appears, there shall be substituted "decision";

(ii) in paragraph 2(3)(*c*)(**31**) for "(size and rent determinations)" there shall be substituted "(size and rent)".

Substitution of references to "review" and related references

5. In the Housing Benefit Regulations—

(a) in regulation 11(6) for "review" there shall be substituted "revision";

(b) in regulation 36(5)(**32**) for "review", in both places where that word appears, there shall be substituted "revision";

(c) in regulation 97(1)—

(i) for "determination which is subsequently revised upon review or further review" there shall be substituted "decision which is subsequently revised or further revised";

(ii) for "determination", in both other places where that word appears, there shall be substituted "decision";

(**24**) Regulation 94(1A) was inserted by regulation 7(*a*) of S.R. 1996 No. 181
(**25**) Regulation 97(1A) was inserted by regulation 2 of S.R. 2000 No. 265
(**26**) Regulation 98 was substituted by regulation 5 of S.R. 1991 No. 176
(**27**) Regulation 104 was substituted by regulation 5 of S.R. 2000 No. 265
(**28**) Schedule A1 was inserted by regulation 6 of S.R. 1996 No. 448
(**29**) Schedule 1A was inserted by regulation 15 of, and Schedule 1 to, S.R. 1996 No. 111 and relevant amending Regulations are S.R. 1996 No. 181 and S.R. 2000 No. 1
(**30**) Schedule 1B was inserted by regulation 15 of S.R. 1996 No. 111; relevant amending Regulations are S.R. 1996 No. 181 and S.R. 2001 No. 79
(**31**) Paragraph 2(3)(*c*) was amended by regulation 7 of S.R. 1998 No. 81
(**32**) Regulation 36(5) was added by regulation 11(*c*) of S.R. 1993 No. 381

(d) in regulation 98 for "initial determination or as subsequently revised on review or further review" there shall be substituted "the initial decision as subsequently revised or further revised";

(e) in regulation 99(4A)(**33**)—

(i) for "reviewed" there shall be substituted "revised";

(ii) for "date of the review" there shall be substituted "date on which the revision took place".

Amendment of Schedule 6 to the Housing Benefit Regulations

6. In Schedule 6 to the Housing Benefit Regulations(**34**)—

(a) in the heading for "Notice of Determination" there shall be substituted "Decision Notice";

(b) subject to sub-paragraph (*g*), for "notice of determination", wherever those words appear, there shall be substituted "decision notice";

(c) except in a case to which sub-paragraph (*b*) applies, for "determination", wherever that word appears, there shall be substituted "decision";

(d) in paragraph 1 for "79 (review of determinations)" there shall be substituted "in regulation 10 of the Decisions and Appeals Regulations";

(e) in paragraph 3 for "written representations in accordance with regulation 79(2)" there shall be substituted "an application for a revision in accordance with regulation 4(1)(*a*) of the Decisions and Appeals Regulations and, where appropriate, to appeal against that decision";

(f) in paragraph 4 for "written representations in accordance with regulation 79(2)" there shall be substituted "an application for a revision in accordance with regulation 4(1)(*a*) of the Decisions and Appeals Regulations";

(g) for paragraph 5 there shall be substituted the following paragraph—

"Every decision notice following an application for a revision in accordance with regulation 4(1)(*a*) of the Decisions and Appeals Regulations shall, if the original decision has been revised, include a statement as to the right of any person affected by that decision to apply for a revision in accordance with regulation 4(1)(*a*) of those Regulations and the manner and time in which to do so.";

(h) in paragraph 8—

(i) for "review" there shall be substituted "revision";

(ii) in sub-paragraph (*b*) for "written representations in accordance with regulation 79(2)" there shall be substituted "an application for a revision in accordance with regulation 4(1)(*a*) of the Decisions and Appeals Regulations";

(iii) for "reviewed" there shall be substituted "revised".

Evidence and information

7. In regulation 73 of the Housing Benefit Regulations—

(a) for paragraph (1)(**35**) there shall be substituted the following paragraphs—

(**33**) Regulation 99(4A) was added by regulation 14(*b*) of S.R. 1991 No. 337
(**34**) Relevant amending Regulations are S.R. 1992 No. 141 and S.R. 1997 No. 454
(**35**) Paragraph (1) was amended by regulation 7 of S.R. 1988 No. 117, regulation 8(*a*) of S.R. 1992 No. 141 and regulation 7(*e*) of S.R. 1996 No. 448