STATUTORY RULES OF NORTHERN IRELAND

2001 No. 99

HOUSING; RATES

The Housing Benefit (Extended Payments) Regulations (Northern Ireland) 2001

Made - - - -	*6th March 2001*
Coming into operation	*9th April 2001*

The Department for Social Development, in exercise of the powers conferred on it by sections 5(1)(a) and 165(4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**1**), sections 122(1)(d), 129(4) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**) and Article 34(3), 39(2) and 74(1) and (3) of the Social Security (Northern Ireland) Order 1998(**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**) in so far as its consent is required, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**6**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Extended Payments) Regulations (Northern Ireland) 2001 and shall come into operation on 9th April 2001.

(2) In these Regulations "the principal Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**7**).

(3) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 8
(**2**) 1992 c. 7
(**3**) S.I.1998/1506 (N.I. 10); Article 39(2) applies section 167(1) of the Social Security Administration (Northern Ireland) Act to Article 34(3)
(**4**) *See* Article 8(*b*) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (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.R. 1993/1579 (N.I. 8)); consent function transferred from the Department of the Environment for Northern Ireland to the Department of Finance and Personnel; *see* Article 6(*b*) of, and Part II of Schedule 4 to, the Department's (Transfer and Assignment of Functions) Order (Northern Ireland) 1999
(**6**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
(**7**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1996 Nos. 115 and 334, S.R. 1998 No. 112 and S.R. 1999 No. 381
(**8**) 1954 c. 33 (N.I.)

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation) in the definition of "an income-based jobseeker's allowance"(**9**) for "has the same meaning in these Regulations as it has" there shall be substituted "and a joint-claim jobseeker's allowance" "have the same meanings as they have".

Amendment of regulation 62A of the principal Regulations

3.—(1) Regulation 62A of the principal Regulations(**10**) (extended payments) shall be amended in accordance with paragraphs (2) to (7).

(2) In paragraph (1)—

(a) for "Subject to paragraph (2)" there shall be substituted "Subject to paragraphs (2) and (2A), this paragraph shall apply";

(b) at the end of sub-paragraph (*a*) there shall be added "and";

(c) sub-paragraph (*b*) shall be omitted, and

(d) from "then that person's" to the end of the paragraph shall be omitted.

(3) In paragraph (1A)(**11**)—

(a) for "Subject to paragraph (2)" there shall be substituted "Subject to paragraphs (2) and (2A) this paragraph shall apply", and

(b) the words "his housing benefit shall be determined in accordance with Part II of Schedule 5A(**12**) (extended payments of housing benefit)" shall be omitted.

(4) For paragraph (1B)(**13**) there shall be substituted the following paragraph—

"(1B) A person to whom paragraph (1) or (1A) applies shall be treated as having made a claim under this regulation, his housing benefit shall be determined in accordance with Part II of Schedule 5A (extended payments of housing benefit) and any award so determined shall be referred to as an "extended payment".".

(5) After paragraph (2) there shall be inserted the following paragraph—

"(2A) No extended payment shall be payable to a person where, as at the day before the day on which his entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations (Northern Ireland) 1987(**14**) (persons not treated as engaged in remunerative work) applied to him.".

(6) In paragraph (5)(*a*), in head (ii)(**15**) for the words after "other case" to the end of that head there shall be substituted—

"(aa) during the 4 weeks immediately following the end of the relevant benefit period, or

(bb) until the date on which his liability for rent or rates or both ends,

whichever occurs first, and".

(7) After paragraph (5) there shall be added the following paragraph—

"(6) In paragraph (1) references to a "person" include references to a person's partner.".

(**9**) Definition of "an income-based jobseeker's allowance" was inserted by regulation 2(*a*)(iii) of S.R. 1996 No. 334
(**10**) Regulation 62A was inserted by regulation 3 of S.R. 1996 No. 115 and amended by regulation 4(2) of S.R. 1999 No. 381
(**11**) Paragraph (1A) was inserted by regulation 4(2)(*b*) of S.R. 1999 No. 381
(**12**) Schedule 5A was inserted by regulation 6 of S.R. 1996 No. 115
(**13**) Paragraph (1B) was inserted by regulation 4(2)(*b*) of S.R. 1999 No. 381
(**14**) Paragraph (5) was added by regulation 4 of S.R. 2001 No. 78
(**15**) Head (ii) was inserted by regulation 4(2)(*c*) of S.R. 1999 No. 381

Amendment of regulation 72 of the principal Regulations

4. At the end of regulation 72(13)(*c*)(**16**) of the principal Regulations (time and manner in which claims are to be made) there shall be added "or has notified the appropriate authority that regulation 6(5) of the Income Support (General) Regulations (Northern Ireland) 1987 (persons not treated as engaged in remunerative work) applies to that person".

Amendment of regulation 76 of the principal Regulations

5. In regulation 76 of the principal Regulations (who is to make a determination)—

(a) in paragraph (4)(*a*)(**17**)—

(i) for "has claimed an extended payment within 7 days" there shall be substituted "made the notification specified in paragraph 3 of Schedule 5A within 14 days", and

(ii) after "("the appropriate day")" there shall be inserted "and is treated as having claimed an extended payment under regulation 62A(1B)(**18**)", and

(b) in paragraph (5)(**19**) for "claimed an extended payment" there shall be substituted "met the conditions specified in paragraph (4)(*a*)".

Amendment of Schedule 5A to the principal Regulations

6.—(1) Schedule 5A to the principal Regulations (extended payments of housing benefit) shall be amended in accordance with paragraphs (2) to (5).

(2) In paragraph 2(**20**)—

(a) in sub-paragraph (*a*)—

(i) after "claimant" there shall be inserted "or his partner";

(ii) after "allowance" there shall be inserted "or that the claimant and his partner were entitled to and in receipt of a joint-claim jobseeker's allowance";

(b) sub-paragraph (*c*)(**21**) shall be omitted;

(c) in sub-paragraph (*e*)(**22**)—

(i) the words "in any of, or any combination of, the circumstances set out in sub-paragraph (*c*)" shall be omitted, and

(ii) in head (i) "and" where it last appears shall be omitted;

(iii) at the end of head (ii) there shall be added "and for the purposes of this sub-paragraph, a reference to the claimant being entitled to and in receipt of a jobseeker's allowance shall include a reference to the claimant and his partner being entitled to and in receipt of a joint-claim jobseeker's allowance";

(iv) at the end there shall be added the following—

"and

(iii) references to the claimant include references to his partner.".

(**16**) Paragraph (13)(*c*) was added by regulation 4(3)(*a*)(iii) of S.R. 1999 No. 381
(**17**) Paragraph 4 was added by regulation 5 of S.R. 1996 No. 115 and amended by regulation 15 of S.R. 1996 No. 334 and regulation 4(4)(*a*) of S.R. 1999 No. 381
(**18**) Regulation 62A(1B) was substituted by regulation 3(4) of these Regulations
(**19**) Paragraph (5) was added by regulation 4(4)(*b*) of S.R. 1999 No. 381
(**20**) Paragraph 2 was amended by regulation 22(*a*) of S.R. 1996 No. 334, regulation 7 of S.R. 1998 No. 112 and regulation 4(5)(*a*) of S.R. 1999 No. 381
(**21**) Sub-paragraph (*c*) was amended by regulation 22(*a*)(ii) of S.R. 1996 No. 334, regulation 7 of S.R. 1998 No. 112 and regulation 4(5)(*a*) of S.R. 1999 No. 381
(**22**) Sub-paragraph (*e*) was substituted by regulation 22(*a*)(iv) of S.R. 1996 No. 334