STATUTORY RULES OF NORTHERN IRELAND

2001 No. 79

HOUSING

The Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 2001

Made - - - -	*23rd February 2001*
Coming into operation	*21st May 2001*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(d), 129(2) to (4), 133(2)(i) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and sections 73(1) to (4) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and now vested in it(**3**), 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) Regulations (Northern Ireland) 2001 and shall come into operation on 21st May 2001.

(2) In these Regulations "the principal Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**4**).

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of regulation 7 of the principal Regulations

2. In regulation 7(1)(*h*) of the principal Regulations(**6**) (circumstances in which a person is to be treated as not liable to make payments in respect of a dwelling), for "except" there shall be substituted "and less than five years have elapsed since he or, as the case may be, his partner ceased to own the property, save that this sub-paragraph shall not apply".

(**1**) 1992 c. 7
(**2**) 1992 c. 8; section 73(1) was amended by paragraph 2 of Schedule 1 and by Schedule 2 to the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I.1997/1182 (N.I. 11))
(**3**) *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)
(**4**) S.R. 1987 No. 461; relevant amending Rules are S.R. 1988 No. 314, S.R. 1990 No. 345, S.R. 1991 Nos. 47 and 337, S.R. 1992 No. 549, S.R. 1993 No. 145, S.R. 1994 No. 137, S.R. 1996 Nos. 111 and 181, S.R. 1997 Nos. 22, 170 and 377, S.R. 1998 No. 455, S.R. 1999 No. 416 and S.R. 2000 Nos. 1, 38 and 265
(**5**) 1954 c. 33 (N.I.)
(**6**) Regulation 7(1) was substituted by regulation 3 of S.R. 1998 No. 455

Amendment of regulation 10 of the principal Regulations

3. In regulation 10 of the principal Regulations (rent)—

(a) for paragraph (3)(**7**) there shall be substituted the following paragraph—

"(3) Subject to paragraphs (4), (5) and (6B)(**8**), the amount of a person's eligible rent shall be—

(a) the maximum rent where a maximum rent has been, or falls to be, determined in accordance with regulation 11 (maximum rent), or

(b) except where sub-paragraph (*a*) applies, the aggregate of such payments specified in paragraph (1) as that person is liable to pay less—

(i) except where he is separately liable for rates, an amount determined in accordance with paragraph (6);

(ii) where payments include service charges which are wholly or partly ineligible, an amount in respect of the ineligible charges determined in accordance with Schedule 1 (ineligible service charges), and

(iii) where he is liable to make payments in respect of any service charges to which paragraph (1)(*e*) does not apply, but to which paragraph 2(1A)(**9**) of Schedule 1 (amount of ineligible charges) applies in the particular circumstances, an amount in respect of such charges determined in accordance with paragraph 2(1A) of Schedule 1.";

(b) paragraph (6A)(**10**) shall be omitted.

Amendment of regulation 11 of the principal Regulations

4. In regulation 11 of the principal Regulations(**11**) (maximum rent)—

(a) for paragraph (3A)(**12**), there shall be substituted the following paragraph—

"(3A) Subject to paragraph (3B)(**13**), in the case of a young individual—

(a) except where sub-paragraph (*b*) applies, where the Executive has determined a single room rent, the maximum rent shall not exceed that single room rent;

(b) where—

(i) the Executive has determined a single room rent and a claim-related rent;

(ii) the claim-related rent includes payment in respect of meals, and

(iii) the single room rent is greater than the claim-related rent less an amount in respect of meals determined in accordance with paragraph 1A(**14**) of Schedule 1 (amount ineligible for meals),

that maximum rent shall not exceed the claim-related rent less that amount in respect of meals.";

(**7**) Paragraph (3) was amended by regulation 4 of S.R. 1993 No. 145 and regulation 5(*a*) and (*b*) of S.R. 1996 No. 111
(**8**) Paragraph (6B) was added by regulation 5(*c*) of S.R. 1996 No. 111
(**9**) Paragraph 2(1A) was inserted by regulation 11 of S.R. 1991 No. 47 and amended by regulation 10(*a*) of S.R. 1993 No. 145
(**10**) Paragraph (6A) was added by regulation 5(*c*) of S.R. 1996 No. 111
(**11**) Regulation 11 was substituted by regulation 7 of S.R. 1996 No. 111
(**12**) Paragraph (3A) was inserted by regulation 4(*b*) of S.R. 1996 No. 181 and amended by regulation 2(*a*) of S.R. 1997 No. 170 which was substituted by regulation 2(2)(*a*) of S.R. 1997 No. 377
(**13**) Paragraph (3B) was inserted by regulation 2(*b*) of S.R. 1997 No. 170 which was substituted by regulation 2(2)(*b*) of S.R. 1997 No. 377
(**14**) Paragraph 1A was added by regulation 7(*b*) of S.R. 1988 No. 314 and amended by regulation 14 of S.R. 1997 No. 22 and Article 19(5) of S.R. 2000 No. 38