STATUTORY RULES OF NORTHERN IRELAND

2000 No. 1

HOUSING; RATES

The Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 2000

Made - - - - 12th January 2000
Coming into operation in accordance with Regulation 1(1)

The Department for Social Development, in exercise of the powers conferred by sections 1(1C)(*c*), 5(1)(*a*) and (*d*), 119A and 165(3), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and sections 122(1)(*d*), 129(2) to (4) and 171(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**) and now vested in it(**3**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**4**) in so far as regulations 3, 9 and 10 are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**5**), 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) 2000 and shall come into operation as follows—

(a) for the purposes of this regulation and regulations 2, 3, 9 and 10 on 3rd February 2000;

(b) for the purposes of regulation 4—

(i) in any case where rent is payable at intervals of a whole number of weeks, on 3rd April 2000, and

(ii) in any other case, on 1st April 2000;

(c) for the purposes of regulations 5, 6 and 7 on 3rd April 2000, and

(**1**) 1992 c. 8; section 1(1C) was inserted by Article 18 of, and section 119A was inserted by Article 10 of, the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182) (N.I. 11))

(**2**) 1992 c. 7

(**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**) *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)) 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 Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

(**5**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992

(d) for the purposes of regulation 8 on 1st April 2000.

(2) In these Regulations "the principal 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.

Amendment of the Housing Benefit (Information from Landlords and Agents) Regulations

2. For regulation 5 of the Housing Benefit (Information from Landlords and Agents) Regulations (Northern Ireland) 1997(**8**) (manner of supply of information) there shall be substituted the following regulation—

"**Manner of supply of information**

5.—(1) Subject to paragraph (2) the relevant information shall be supplied—

(a) in typewritten or printed form, or

(b) with the written agreement of the requirer, in electronic or handwritten form,

within a period of 4 weeks commencing on and including the date on which the notice was sent or given.

(2) Where—

(a) within a period of 4 weeks commencing on and including the date on which the notice was sent or given, the supplier requests that the time for supply of the relevant information be extended, and

(b) the requirer provides written agreement to that request,

the time for supply of the relevant information shall be extended to a period of 8 weeks commencing on and including the date on which the notice was sent or given.".

Amendment of regulation 2B of the principal Regulations

3. In regulation 2B of the principal Regulations (cases in which section 1(1A) of the Social Security Administration (Northern Ireland) Act 1992 is disapplied)(**9**) for the words after "shall not apply" to the end there shall be substituted—

"—

(a) to a claim for housing benefit where the person making the claim, or in respect of whom the claim is made, is liable to make payments in respect of a dwelling which is a hostel, or

(b) to any child or young person in respect of whom housing benefit is claimed.".

Amendment of regulation 11 of the principal Regulations

4.—(1) Regulation 11 of the principal Regulations (maximum rent)(**10**) shall be amended in accordance with paragraphs (2) to (4).

(**6**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1996 Nos. 111, 115, 181 and 334, S.R. 1997 No. 170, S.R. 1998 No. 81 and S.R. 1999 Nos. 372 and 416
(**7**) 1954 c. 33 (N.I.)
(**8**) S.R. 1997 No. 453
(**9**) Regulation 2B was inserted by regulation 2 of S.R. 1999 No. 372
(**10**) Regulation 11 was substituted by regulation 7 of S.R. 1996 No. 111 and amended by S.R. 1996 No. 181, S.R. 1997 No. 170 and S.R. 1998 No. 81

(2) In paragraphs (2), (4), (5), (5C), (5D)(**11**) and (7) for the words "relevant rent" wherever they appear there shall be substituted the words "claim-related rent".

(3) In paragraph (11) sub-paragraph (*a*) shall be omitted.

(4) In paragraph (16)—

(a) the definitions of "deduction for fuel", "property-specific rent", "relevant rent" and "size-related rent" shall be omitted, and

(b) the following definition shall be inserted in the appropriate place—

""claim-related rent" means the rent determined by the Executive under paragraph 5 of Schedule 1A (determinations)(**12**);".

Amendment of regulation 66 of the principal Regulations

5. In regulation 66 of the principal Regulations (benefit period)(**13**)—

(a) in paragraph (3) for "paragraph (4)" there shall be substituted "paragraph (4) or (5)";

(b) after paragraph (4) there shall be added the following paragraph—

"(5) Where the Executive has made a determination following notification by a claimant of a change of circumstances specified in paragraph 2(3) of Schedule 1B (excluded tenancies), the Executive shall extend that claimant's current benefit period by a further period of not more than 60 benefit weeks.".

Amendment of Schedule 1A to the principal Regulations

6.—(1) Schedule 1A to the principal Regulations (determinations)(**14**) shall be amended in accordance with paragraphs (2) to (8).

(2) In paragraph 3(2)(*c*) at the end there shall be added "at the relevant time".

(3) In paragraph 4(2)—

(a) in head (*b*) after "of the dwelling" there shall be inserted "at the relevant time";

(b) in sub-head (ii) after "under the tenancy" there shall be inserted "at the relevant time".

(4) In paragraph 4(3)—

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

(b) after head (*b*) there shall be added the following head—

"(c) shall exclude the amount of any rent which, in the Executive's opinion, is fairly attributable to the provision of any of the following services—

(i) the cleaning of rooms and windows (except services specified in paragraphs (*a*)(iv)(*aa*) or (*bb*) of paragraph 1 of Schedule 1 (ineligible service charges);

(ii) the provision of an emergency alarm system;

(iii) medical expenses;

(iv) the provision of nursing care or personal care, and

(v) general counselling or other support services,

and which is not excluded by virtue of head (*b*).".

(**11**) Paragraphs (5C) and (5D) were inserted by regulation 5 of S.R. 1999 No. 416
(**12**) Paragraph 5 is substituted by regulation 6(6) of these Regulations
(**13**) Regulation 66 was amended by S.R. 1996 No. 334
(**14**) Schedule 1A was inserted by regulation 15 of S.R. 1996 No. 111

(5) In paragraph 4(5) after the words "but not" to the end there shall be substituted—

"in the case of a tenancy where a substantial part of the rent under the tenancy is fairly attributable to board and attendance, the provision of meals (including the preparation of meals or provision of unprepared food).".

(6) For paragraph 5 there shall be substituted the following paragraph—

"**Claim-related rent**

5.—(1) In this paragraph, "claim-related rent" means—

(a) where the Executive makes a determination under sub-paragraph (2) of paragraph 1, sub-paragraph (2) of paragraph 2 and sub-paragraph (3) of paragraph 3, the lowest of the three rents determined under those sub-paragraphs;

(b) where the Executive makes a determination under only two of the sub-paragraphs referred to in head (*a*), the lower of the two rents determined under those sub-paragraphs;

(c) where the Executive makes a determination under only one of the sub-paragraphs referred to in head (*a*), the rent determined under that sub-paragraph;

(d) where the Executive does not make a determination under any of the sub-paragraphs referred to in head (*a*), the rent payable under the tenancy of the dwelling at the relevant time.

(2) Where the Executive makes any determination under paragraphs 1, 2 or 3, it shall also determine which rent is the claim-related rent.

(3) Where the dwelling is not in a hostel, the Executive shall also determine the total amount of ineligible charges, as defined in paragraph 6, which it has not included in the claim-related rent because of the assumptions made in accordance with that paragraph.".

(7) For paragraph 6 there shall be substituted the following paragraph—

"**Ineligible charges and support charges**

6.—(1) For the purposes of this paragraph—

(a) "ineligible charges" means service charges which are ineligible to be met by housing benefit by virtue of regulation 10(3) (rent) and Schedule 1 (ineligible service charges) except—

(i) any support charges, and

(ii) in the case of a tenancy where the rent includes payments for board and attendance, and the Executive considers that a substantial part of the rent under the tenancy is fairly attributable to board and attendance, charges specified in paragraph 1(*a*)(i) of Schedule 1 (charges for meals), and

(b) "support charges" means any charges to which the following paragraphs apply—

(a) the cleaning of rooms and windows (except services specified in sub-paragraphs (*a*) (iv)(*aa*) or (*bb*) of paragraph (1) of Schedule 1 (ineligible service charges));

(b) the provision of an emergency alarm system;

(c) medical expenses;

(d) the provision of nursing care or personal care, and

(e) general counselling or other support services.

(2) When making a determination under paragraph 1, 2 or 3 of Schedule 1, the Executive shall assume that—