STATUTORY RULES OF NORTHERN IRELAND

1999 No. 416

HOUSING

The Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1999

Made - - - - 8th October 1999
Coming into operation in accordance with regulation 1(1)

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(d), 129(2) and (4) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and section 61(3) of the Social Security Administration (Northern Ireland) Act 1992(**2**) 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 No. 3) Regulations (Northern Ireland) 1999 and shall come into operation as follows—

(a) for the purposes of this regulation and regulations 11 and 12, on 1st November 1999;

(b) for the purposes of regulations 2 to 10,

(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.

(2) In these Regulations the "principal Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**3**).

(3) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Assembly.

(**1**) 1992 c. 7
(**2**) 1992 c. 8
(**3**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1989 No. 125, S.R. 1992 No. 444, S.R. 1994 Nos. 88 and 137, S.R. 1995 No. 64, S.R. 1996 No. 111, S.R. 1997 Nos. 170 and 376 and S.R. 1998 No. 252
(**4**) 1954 c. 33 (N.I.)

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation) after "student" there shall be inserted the following definition—

> ""supported accommodation" has the meaning given in paragraph 7 of Schedule 1 (ineligible service charges);".

Amendment of regulation 8 of the principal Regulations

3. In regulation 8(2A) of the principal Regulations(**5**) (eligible housing costs) for "or Schedule 1 (ineligible service charges)" there shall be substituted "or Schedules 1 (ineligible service charges) or 1C (service charges for claimants in supported accommodation)".

Amendment of regulation 10 of the principal Regulations

4. In regulation 10(7) of the principal Regulations (rent) for "Schedule 1" there shall be substituted "Schedules 1 and 1C".

Amendment of regulation 11 of the principal Regulations

5. In regulation 11 of the principal Regulations(**6**) (maximum rent) after paragraph (5) there shall be inserted the following paragraphs—

> "(5A) In a case where a maximum rent has been determined in respect of a claimant under paragraph (2), (3), (3A)(**7**), (4) or (5), that maximum rent shall be adjusted in accordance with paragraphs (5B) to (5E) as appropriate.
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> (5B) A maximum rent determined under paragraph (2), (3), (3A) or (4) shall, subject to paragraphs (5C) and (5D), be increased by the sum of those service charges specified in the exceptions provided in paragraph 1(a)(iv)(cc), (c) and (f) of Schedule 1 (ineligible service charges) and Schedule 1C(**8**) (service charges for claimants in supported accommodation) determined by the Executive as eligible to be met by housing benefit, and the maximum rent shall be that increased amount.
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> (5C) In a case to which paragraph (2) applies, where the Executive has determined a relevant rent which includes an amount in respect of service charges for—
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> (a) the cleaning of rooms and windows which are eligible to be met by housing benefit, other than those eligible by virtue of paragraph 1(a)(iv)(aa) or (bb) of Schedule 1(**9**);
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> (b) the provision of an emergency alarm system, or
>
> (c) general counselling or any other support,
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> that amount shall be deducted from the maximum rent before any increase under paragraph (5B).
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> (5D) In a case to which paragraph (4) applies, the Executive shall reduce the relevant rent by the sum of those service charges for—
>
> (a) the cleaning of rooms and windows which are eligible to be met by housing benefit, other than those eligible by virtue of paragraph 1(a)(iv)(aa) or (bb) of Schedule 1;

(**5**) Paragraph (2A) was inserted by regulation 2(b) of S.R. 1992 No. 444
(**6**) Regulation 11 was substituted by regulation 7 of S.R. 1996 No. 111
(**7**) 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
(**8**) Schedule 1C is inserted by regulation 7 of these Regulations
(**9**) Paragraph 1(a)(iv)(aa) and (bb) is inserted by regulation 7(2)(a) of these Regulations

(b) the provision of an emergency alarm system, or

(c) general counselling or any other support,

determined by the Executive as eligible to be met by housing benefit and use that relevant rent so reduced in determining whether that case should fall under either sub-paragraph (a) or (b) of that paragraph and in a case which falls under sub-paragraph (b) the sum of those service charges shall be deducted from the maximum rent before any increase under paragraph (5B).

(5E) In the case of a claimant who occupies supported accommodation and whose case falls under paragraph (5), the Executive shall treat references to the local reference rent as references to the local reference rent plus those services charges it has determined as eligible to be met by housing benefit under paragraph 1(a)(iv)(cc), (c) and (f) of Schedule 1 and Schedule 1C.".

Amendment of regulation 68 of the principal Regulations

6. In regulation 68 of the principal Regulations (date on which change of circumstances is to take effect)—

(a) in paragraph (1)(**10**) for "to (7)" there shall be substituted "to (8)", and

(b) after paragraph (7)(**11**) there shall be added the following paragraph—

"(8) Where the change of circumstances is the receipt of a community care assessment by a claimant in supported accommodation, that change of circumstances shall take effect on the date on which the Executive is required to treat the community care assessment as made under these Regulations.".

Amendment of Schedule 1 to the principal Regulations

7.—(1) Schedule 1 to the principal Regulations (ineligible service charges) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph 1—

(a) in sub-paragraph (a)(iv) for the words from "(other than communal areas)" to the end there shall be substituted the following—

"except—

(aa) the exterior of any windows in accommodation (other than supported accommodation) where neither the claimant nor any member of his household is able to clean those windows himself;

(bb) in communal areas, or

(cc) where the claimant is in supported accommodation and those charges fall under paragraph 3 of Schedule 1C (service charges for claimants in supported accommodation), and";

(b) in sub-paragraph (c) for the words from "such a system" to the end there shall be substituted "the claimant is in supported accommodation and those charges fall under paragraph 4 of Schedule 1C;", and

(c) in sub-paragraph (f)(**12**) for heads (i) to (iii) there shall be substituted the following heads —

(**10**) Paragraph (1) was amended by S.R. 1994 No. 88 and S.R. 1995 No. 64

(**11**) Paragraph (7) was added by regulation 2(b) of S.R. 1995 No. 64

(**12**) Sub-paragraph (f) was substituted by regulation 2 of S.R. 1994 No. 137 and amended by regulation 2(1)(a)(i) and (ii) of S.R. 1997 No. 376

"(i) are provided to a claimant in supported accommodation by his landlord in person or someone on his behalf, and

(ii) fall under paragraph 2 of Schedule 1C;".

(3) In paragraph 7—

(a) after "In this Schedule" there shall be inserted "and Schedule 1C", and

(b) in the definition of "supported accommodation"(**13**)—

(i) for "was either occupied or available for occupation on 18th August 1997 and which was at that date and continues to be" there shall be substituted "is";

(ii) in head (a) "accommodation" shall be omitted where it first appears and for "where care, support or supervision is provided by, or on behalf of, that body to the occupants of that accommodation" there shall be substituted "where that body or a person acting on its behalf also provides the claimant with care, support or supervision";

(iii) for head (b) there shall be substituted the following head—

"(b) occupied by a person whom a Health and Social Services Board or HSS trust has assessed as having needs which call for the provision of services—

(i) specified in any of the exceptions provided in paragraph 1(a)(iv)(cc), (c) and (f) of this Schedule and Schedule 1C (service charges for claimants in supported accommodation), and

(ii) which that Health and Social Services Board or HSS trust has confirmed the landlord as either capable of providing or ensuring their provision by others,", and

(iv) for the words from "accommodation which would fall" to the end of the definition there shall be substituted the following—

"where a community care assessment to which head (b) refers is made following a period in which the claimant has incurred liability in respect of any of the services specified in the exceptions provided in paragraph 1(a)(iv)(cc), (c) and (f) of this Schedule and Schedule 1C and that liability is continuous up to the date of that community care assessment, the Executive shall treat the assessment as if it were made on—

(i) in the case of a claimant who claims housing benefit (other than by way of a claim for a further grant of that benefit) on or after—

(aa) 3rd April 2000 in a case where rent is payable at intervals of a whole number of weeks, or

(bb) 1st April 2000 in any other case,

the date on which that claim is made or treated as made;

(ii) in the case of a claimant who was entitled to housing benefit on—

(aa) 3rd April 2000 in a case where rent is payable at intervals of a whole number of weeks, or

(bb) 1st April 2000 in any other case,

but whose award would have been for a higher amount had the community care assessment been made earlier, 3rd or 1st April 2000 as the case may be, or

(iii) in the case of a claimant who claims housing benefit on or after 1st April 2000, but is not entitled to that benefit, but who would have been so entitled had

(**13**) The definition of "supported accommodation" was added by regulation 2(1)(b) of S.R. 1997 No. 376