STATUTORY RULES OF NORTHERN IRELAND

1999 No. 298

HOUSING: RATES

The Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 1999

Made - - - - 30th June 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), 132(3) and (4)(b) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and sections 1(1C) and 165(1), (3) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**3**) in so far as its consent is required, and after reference to the Social Security Advisory Committee(**4**), 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) 1999 and shall come into operation—

(a) for the purposes of this regulation and regulation 2, on 6th September 1999, and

(b) for the purposes of regulations 3 to 6, on 4th October 1999.

(2) In these Regulations "the principal Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**5**).

(3) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to a Measure of the Assembly.

(**1**) 1992 c. 7
(**2**) 1992 c. 8; subsections (1A) to (1C) of section 1 were inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I.1997/1182 (N.I. 11))
(**3**) *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))
(**4**) *See* section 149(2)(b) of the Social Security Administration (Northern Ireland) Act 1992
(**5**) S.R. 1987 No. 461; relevant amending Rules are S.R. 1991 No. 337, S.R. 1994 No. 274, S.R. 1995 Nos. 89, 129 and 223, S.R. 1996 Nos. 93 and 476, S.R. 1997 Nos. 4, 483 and 515, S.R. 1998 Nos. 2, 8, 73 and 112 and S.R. 1999 No. 50
(**6**) 1954 c. 33 (N.I.)

Revocation of regulation 2A of the principal Regulations

2. Regulation 2A of the principal Regulations(**7**) (dissapplication of section 1(1A) of the Administration (Northern Ireland) Act 1992) shall be revoked.

Amendment of regulation 21 of the principal Regulations

3. In regulation 21(1A) of the principal Regulations(**8**) (calculation of income on a weekly basis) —

(a) in sub-paragraph (a) for "£60" there shall be substituted "£70";

(b) in sub-paragraph (b) for "£100" there shall be substituted "£105".

Amendment of regulation 21A of the principal Regulations

4.—(1) Regulation 21A of the principal Regulations(**9**) (treatment of child care charges) shall be amended in accordance with paragraphs (2) to (4).

(2) For paragraph (2)(**10**) there shall be substituted the following paragraphs—

"(2) Relevant child care charges are those charges for care to which paragraphs (2ZA) and (2ZB) apply, and shall be calculated on a weekly basis in accordance with paragraph (3).

(2ZA) The charges are paid by the claimant for care which is provided—

(a) in the case of any child of the claimant's family who is not disabled, in respect of the period beginning on, and including, that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday, or

(b) in the case of any child of the claimant's family who is disabled, in respect of the period beginning on, and including, that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

(2ZB) The charges are paid for care which is provided by one or more of the care providers listed in paragraph (2ZC) and are not paid—

(a) in respect of the child's compulsory education, or

(b) by a claimant to a partner or by a partner to a claimant in respect of any child for whom either or any of them is responsible in accordance with regulation 14 (circumstances in which a person is treated as responsible or not responsible for another).

(2ZC) The care to which paragraph (2ZB) refers may be provided—

(a) by persons registered under Article 118 of the Children Order(**11**) (registration of child-minders and persons providing day care);

(b) out of school hours, by a school on school premises or by an education and library board or a HSS trust—

(i) for children who are not disabled in respect of the period beginning on, and including, their twelfth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday, or

(**7**) Regulation 2A was inserted by regulation 8 of S.R. 1997 No. 483
(**8**) Paragraph (1A) was inserted by regulation 2(2)(c) and (3) of S.R. 1997 No. 515
(**9**) Regulation 21A was inserted by regulation 2(3) of S.R. 1994 No. 274; relevant amending Regulations are S.R. 1995 No. 89, S.R. 1996 No. 476, S.R. 1997 No. 515 and S.R. 1998 No. 2
(**10**) Relevant amending Regulations are S.R. 1995 No. 89, S.R. 1996 No. 476, S.R. 1997 No. 515 and S.R. 1998 No. 8
(**11**) S.I. 1995/755 (N.I. 2)

(ii) for children who are disabled in respect of the period beginning on, and including, their twelfth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday;

(c) by a child care scheme operating on Crown property where registration under Article 118 of the Children Order is not required, or

(d) in schools or establishments which are exempt from registration under Article 118 of the Children Order by virtue of Article 121(1) to (3) of that Order.".

(3) In paragraph (2A) after "in any year" there shall be added "and in paragraph (2ZC)(b) "education and library board" means an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(**12**)".

(4) After paragraph (5)(**13**) there shall be added the following paragraph—

"(6) For the purposes of paragraph (2), a person is disabled if he is a person—

(a) in respect of whom disability living allowance is payable, or has ceased to be payable solely because he is a patient;

(b) who is identified as a person who is blind in pursuance of arrangements under section 1(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(**14**), or

(c) who ceased to be so identified as blind within the 28 weeks immediately preceding the date of claim.".

Amendment of Schedule 3 to the principal Regulations

5. In Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of earnings) after paragraph 15(**15**) there shall be added the following paragraph—

"**16.**—(1) In a case where the claimant is a person who satisfies the conditions set out in either sub-paragraph (2) or (3), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (4), the amount of his earnings that falls to be disregarded under paragraphs 3 to 8 shall be increased by a sum equal to either—

(a) the credit referred to in regulation 46(1)(aa) of the Family Credit Regulations(**16**) if he satisfies the conditions of sub-paragraph (2), or

(b) the allowance referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations(**17**) if he satisfies the conditions of sub-paragraph (3),

and in a case where the claimant satisfies the conditions of both sub-paragraphs (2) and (3), his disregarded earnings shall be increased by the higher of the two sums, or if they are the same, by the amount of the credit referred to in sub-paragraph (a).

(2) The conditions of this sub-paragraph are that—

(a) the claimant, or if he is a member of a couple either the claimant or his partner, is a person to whom regulation 46(1)(aa) of the Family Credit Regulations applies, or

(b) (i) the claimant, or if he is a member of a couple one member of the couple is, or both members are, engaged in remunerative work for on average not less than 30 hours per week, and

(**12**) S.I. 1986/594 (N.I. 3)
(**13**) Paragraph (5) was added by regulation 4(b) of S.R. 1995 No. 129
(**14**) 1978 c. 53
(**15**) Paragraph 15 was amended by regulation 17 of S.R. 1991 No. 337
(**16**) Regulation 46(1)(aa) was inserted by regulation 3(3) of S.R. 1995 No. 223
(**17**) Regulation 51(1)(bb) was inserted by regulation 4(3) of S.R. 1995 No. 223