STATUTORY RULES OF NORTHERN IRELAND

1998 No. 455

HOUSING

The Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1998

Made - - - -	*29th December 1998*
Coming into operation	*25th January 1999*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(*d*), 129(4), 133(2)(*i*) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) 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. 4) Regulations (Northern Ireland) 1998.

(2) Subject to paragraph (3), these Regulations shall come into operation on 25th January 1999.

(3) Where a claimant is in receipt of an award of housing benefit on 25th January 1999, these Regulations shall come into operation in respect of that individual on the day after the last day of the benefit period in respect of which that award is made.

(4) In these Regulations–

"the principal Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**2**);

"benefit period" has the meaning given to it in regulation 66 of the principal Regulations.

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

Amendment of regulation 3 of the principal Regulations

2. In regulation 3 of the principal Regulations (definition of non-dependant) for paragraph (3)(**4**) there shall be substituted the following paragraph–

(**1**) 1992 c. 7
(**2**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1989 No. 125 and S.R. 1990 No. 442
(**3**) 1954 c. 33 (N.I.)
(**4**) Paragraph (3) was amended by regulation 2(*b*) of S.R. 1989 No. 125

"(3) Paragraphs (2)(*d*) and (*e*) shall not apply to any person who is treated as if he were not liable to make payments in respect of a dwelling under regulation 7(1)(**5**) (circumstances in which a person is to be treated as not liable to make payments in respect of a dwelling).".

Amendment of regulation 7 of the principal Regulations

3. In regulation 7 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 paragraph (1) there shall be substituted the following paragraphs–

"(1) A person who is liable to make payments in respect of a dwelling shall be treated as if he were not so liable where–

(a) the tenancy or other agreement pursuant to which he occupies the dwelling is not on a commercial basis;

(b) his liability under the agreement is to a person who also resides in the dwelling and who is a close relative of his or of his partner;

(c) his liability under the agreement is–

(i) to his former partner and is in respect of a dwelling which he and his former partner occupied before they ceased to be partners, or

(ii) to his partner's former partner and is in respect of a dwelling which his partner and his partner's former partner occupied before they ceased to be partners;

(d) he is responsible, or his partner is responsible, for a child of the person to whom he is liable under the agreement;

(e) subject to paragraph (1B), his liability under the agreement is to a company or a trustee of a trust of which–

(i) he or his partner;

(ii) his or his partner's close relative who resides with him, or

(iii) his or his partner's former partner,

is, in the case of a company, a director or an employee, or, in the case of a trust, a trustee or a beneficiary;

(f) his liability under the agreement is to a trustee of a trust of which his or his partner's child is a beneficiary;

(g) subject to paragraph (1B), before the liability was created, he was a non-dependant of someone who resided, and continues to reside, in the dwelling;

(h) he previously owned, or his partner previously owned, the dwelling in respect of which the liability arises except where he satisfies the appropriate authority that he or his partner could not have continued to occupy that dwelling without relinquishing ownership;

(i) his occupation, or his partner's occupation, of the dwelling is a condition of his or his partner's employment by the landlord;

(j) he is a member of, and is wholly maintained (disregarding any liability he may have to make payments in respect of the dwelling he occupies as his home) by, a religious order;

(k) except where paragraph (2) applies, he is in residential accommodation;

(**5**) Paragraph (1) is substituted by regulation 3 of these Regulations
(**6**) Regulation 7 was amended by regulation 3 of S.R. 1990 No. 442