STATUTORY RULES OF NORTHERN IRELAND

1997 No. 452

HOUSING; RATES

The Housing Benefit (General) (Amendment No. 7) Regulations (Northern Ireland) 1997

Made - - - -	*10th October 1997*
Coming into operation	*3rd November 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 5(1)(*h*), (*o*), (*p*) and (*q*) and (5), 61(2) and (3) and 165(1) and (3) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**2**) in so far as its consent is required, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**3**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Amendment No. 7) Regulations (Northern Ireland) 1997 and shall come into operation on 3rd November 1997.

(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 a Measure of the Assembly.

Amendment of regulation 93 of the principal Regulations

2. In regulation 93 of the principal Regulations (circumstances in which payment is to be made to a landlord or the Department of the Environment) after paragraph (2) there shall be added the following paragraph—

(**1**) 1992 c. 8; section 5(1)(*o*) has effect in relation to housing benefit in accordance with section 5(3) of the Social Security Administration (Northern Ireland) Act 1992

(**2**) *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))

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

(**4**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1991 No. 176, S.R. 1992 Nos. 141, 201 and 404, S.R. 1993 Nos. 218 and 233, S.R. 1996 Nos. 181 and 448

(**5**) 1954 c. 33 (N.I.)

"(3) Where the Executive is not satisfied that the landlord is a fit and proper person to be the recipient of a payment of rent allowance or rate rebate no such payment shall be made direct to him under paragraph (1).".

Amendment of regulation 94 of the principal Regulations

3. In regulation 94 of the principal Regulations (circumstances in which payment may be made to a landlord or the Department of the Environment)—

(a) in paragraph (1)(**6**) after "does not apply" there shall be inserted "but subject to paragraph (1B)";

(b) after paragraph (1A)(**7**) there shall be inserted the following paragraph—

"(1B) In a case where the Executive is not satisfied that the landlord is a fit and proper person to be the recipient of a claimant's rent allowance or rate rebate, the Executive may either—

(a) not make direct payments to the landlord in accordance with paragraph (1), or

(b) make such payments to the landlord where the Executive is satisfied that it is nonetheless in the best interests of the claimant and his family that the payments be made.".

Amendment of regulation 95 of the principal Regulations

4. In regulation 95 of the principal Regulations (withholding of benefit)—

(a) after paragraph (1) there shall be inserted the following paragraphs—

"(1A) The Executive may withhold payment of a rent allowance which it would otherwise make to a landlord in accordance with regulation 93(1) or 94(1), where the Executive has evidence which raises a reasonable doubt as to whether the landlord is a fit and proper person to be the recipient of such payments.

(1B) The Executive may withhold rent allowance payable to a claimant where the question whether payment be made to the landlord under regulation 93 or regulation 94 is for determination by the Executive.";

(b) after paragraph (6) there shall be inserted the following paragraphs—

"(6A) In a case to which paragraph (1A) applies, the Executive shall within 14 days of the doubt arising, or such longer period as may be appropriate in the circumstances of the case, satisfy itself as to whether the landlord is a fit and proper person to be the recipient of payments of rent allowance, and—

(a) if it is so satisfied and that regulation 93 or, as the case may be, regulation 94, also continues to be satisfied, pay any payments withheld to which the claimant is entitled to the landlord under regulation 93 or 94 as appropriate, or

(b) if it is so satisfied but the requirements of regulation 93 or, as the case may be regulation 94, are no longer satisfied, or if it is not so satisfied—

(i) pay that amount to the claimant, or

(ii) where these Regulations enable it to do so, make such other arrangements for the payment of that amount as appear appropriate in the circumstances of the case.

(**6**) Paragraph (1) was amended by regulation 7(*g*) of S.R. 1996 No. 448
(**7**) Paragraph (1A) was inserted by regulation 7(*a*) of S.R. 1996 No. 181

(6B) In a case to which paragraph (1B) applies, the Executive shall determine the question arising under regulation 93 or regulation 94 within 14 days of its determination to withhold payment of rent allowance from the claimant or such longer period as may be appropriate in the circumstances of the case, and—

(a) where it determines that payments be made to the landlord in accordance with regulation 93 or, as the case may be, regulation 94, pay those payments withheld to the landlord, or

(b) where it determines that payments shall not be made to the landlord—

(i) pay those payments withheld to the claimant, or

(ii) where these Regulations enable it to do so, make such other arrangements for the payment of the amount withheld as appear appropriate in the circumstances of the case.".

Insertion of regulation 96A in the principal Regulations

5. After regulation 96 of the principal Regulations (payment on death of the person entitled) there shall be inserted the following regulation—

"**Suspension of Benefit**

96A.—(1) Payment of housing benefit may be suspended by the appropriate authority making the payment where it appears to the authority that a question has arisen as to whether the conditions of entitlement to housing benefit are fulfilled.

(2) Where payment of housing benefit is suspended in accordance with paragraph (1), the appropriate authority shall require the claimant whose benefit is suspended to furnish such information in connection with that question as may be reasonable in the circumstances, and the claimant shall comply with that requirement within 4 weeks of being required to do so, or within such longer period as the appropriate authority considers reasonable in his case.

(3) Notwithstanding paragraph (2), a claimant shall not be required to supply any information in relation to a payment to which regulation 73(3)(**8**) (payments from certain funds) applies.

(4) An appropriate authority shall, within 7 days of suspending benefit in accordance with paragraph (1), or as soon as may be reasonably practicable thereafter, notify the claimant of—

(a) its determination to suspend payment of housing benefit, and

(b) its requirements as to the provision of information.

(5) An appropriate authority to whom information is provided in accordance with this regulation may, after considering the information provided, require the claimant to provide such further information as is reasonable in the circumstances of the case, and where it does so, the same requirements and restrictions apply to the information required under this paragraph as applied to the information required under paragraph (2).

(6) Where paragraph (7) applies an appropriate authority shall, within 14 days of the date the last of the information required under this regulation is received or as soon as reasonably practicable thereafter, either—

(**8**) Paragraph (3) was added by regulation 8(*b)* of S.R. 1992 No. 141 and amended by regulation 4(6) of S.R. 1992 No. 201, regulation 10 of S.R. 1992 No. 404 and regulation 4(4) of S.R. 1993 No. 233