STATUTORY RULES OF NORTHERN IRELAND

1997 No. 170

HOUSING

The Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1997

Made - - - - 20th March 1997
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), 133(2)(*i*) and 171(1) and (3) to (5) 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) 1997 and shall come into operation as follows—

(a) for the purposes of this regulation and regulation 4(*b*) on 7th April 1997;

(b) for the purposes of regulations 2, 3, 4(*a*) and 5 on 6th October 1997.

(2) In these Regulations—

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

"young individual" has the meaning specified in regulation 2 of the principal Regulations(**3**).

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

Amendment of regulation 11 of the principal Regulations

2. In regulation 11(**5**) (maximum rent)—

(**1**) 1992 c. 7
(**2**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1989 No. 125, S.R. 1991 No. 47, S.R. 1996 Nos. 111, 181, 334, 405 and 448
(**3**) Definition inserted by regulation 2 of S.R. 1996 No. 181 and substituted by regulation 4(*c*) of S.R. 1996 No. 405
(**4**) 1954 c. 33 (N.I.)
(**5**) Regulation 11 was inserted by regulation 7 of S.R. 1996 No. 111

(a) in paragraph (3A)(**6**) at the beginning there shall be inserted "Subject to paragraph (3D),";

(b) after paragraph (3A) there shall be inserted the following paragraphs—

"(3B) In the case of a single claimant to whom paragraph (3C) applies, where the Executive has determined a single room rent, the maximum rent shall not exceed that single room rent.

(3C) Subject to paragraph (3D), this paragraph applies to a person who is aged not less than 25 but less than 60 and who—

(a) makes a claim for housing benefit on or after 6th October 1997, or

(b) having been continuously entitled to and in receipt of housing benefit in respect of the same dwelling for a benefit period beginning before 6th October 1997, makes a further claim for that benefit either—

(i) in accordance with regulation 72(11), (12) or (13)(**7**) (time and manner in which claims are to be made), or

(ii) upon a change of dwelling.

(3D) Paragraphs (3A) and (3C) shall not apply in the case of a claimant—

(a) who is a tenant of a registered housing association or a person to whom regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996(**8**) (savings provisions) applies;

(b) to whom paragraph 13 of Schedule 2 (severe disability premium) applies, or

(c) who has a non-dependant residing with him.";

(c) in paragraph (4)(**9**)—

(i) for "limits specified in paragraphs (3) and (3A)" there shall be substituted "limits specified in paragraphs (3), (3A) and (3B)", and

(ii) in sub-paragraph (*a*) the words from "plus 50 per cent." to the end of the sub-paragraph shall be omitted;

(d) in paragraph (5)(**10**) for "limits specified in paragraphs (3) and (3A)" there shall be substituted "limits specified in paragraphs (3), (3A) and (3B)" and the words from "plus 50 per cent." to the end of the paragraph shall be omitted.

Omission of regulation 12 of the principal Regulations

3. Subject to regulation 5 (savings), regulation 12(**11**) (restrictions on rent increases) shall be omitted.

Amendment of Schedule 1B to the principal Regulations

4. In Schedule 1B to the principal Regulations(**12**) (excluded tenancies)—

(a) in paragraph 2(3)(*d*)(**13**) after "young individual" there shall be inserted "or person to whom regulation 11(3B) applies";

(**6**) Paragraph (3A) was inserted by regulation 4(*b*) of S.R. 1996 No. 181
(**7**) Paragraph 13 was amended by regulation 9(*b*) of S.R. 1991 No. 47 and regulation 13(*c*) of S.R. 1996 No. 334
(**8**) S.R. 1996 No. 111 was amended by regulation 8 of S.R. 1996 No. 405 and regulation 8 of S.R. 1996 No. 448
(**9**) Paragraph (4) was amended by regulation 4(*c*) of S.R. 1996 No. 181
(**10**) Paragraph (5) was amended by regulation 4(*d*) of S.R. 1996 No. 181
(**11**) Regulation 12 was amended by regulation 4 of S.R. 1989 No. 125 and regulation 8 of S.R. 1996 No. 111
(**12**) Schedule 1B was inserted by regulation 15 of S.R. 1996 No. 111 and amended by regulation 9 of S.R. 1996 No. 181
(**13**) Paragraph 2(3)(*d*) was inserted by regulation 9 of S.R. 1996 No. 181