STATUTORY RULES OF NORTHERN IRELAND

1996 No. 448

HOUSING; RATES

The Housing Benefit (General) (Amendment No. 5) Regulations (Northern Ireland) 1996

Made - - - -	*24th September 1996*
Coming into operation	*15th October 1996*

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) to (4), 131(1), 132(4)(*b*), 133(1) and (2)(*a*) and (*i*) and 171(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), section 5(1)(*a*), (*b*), (*h*), (*j*), (*k*) and (*q*) and 61(1) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and section 11 of the Asylum and Immigration Act 1996(**3**) and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations made by virtue of, or consequential upon, the aforesaid section 11 and with the consent of the Department of the Environment for Northern Ireland(**4**) in so far as its consent is required, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Amendment No. 5) Regulations (Northern Ireland) 1996 and shall come into operation on 15th October 1996.

(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 Northern Ireland Assembly.

(**1**) 1992 c. 7
(**2**) 1992 c. 8
(**3**) 1996 c. 49
(**4**) *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))
(**5**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 Nos. 117 and 424, S.R. 1989 No. 125, S.R. 1991 No. 47, S.R. 1992 No. 141, S.R. 1993 No. 145, S.R. 1994 Nos. 80, 266 and 335, S.R. 1995 No. 129 and S.R. 1996 Nos. 11, 93, 111, 115, 181, 221 and 334
(**6**) 1954 c. 33 (N.I.)

Amendment of regulation 7A of the principal Regulations

2. In regulation 7A of the principal Regulations (persons from abroad)(**7**)—

(a) in paragraph (1) at the end there shall be added "but this paragraph shall not have effect in respect of a person to whom and for a period to which regulation 7B (entitlement of a refugee to housing benefit) and Schedule A1 (treatment of claims for housing benefit by refugees) apply(**8**)";

(b) in paragraph (4)(*e*) for head (ii) there shall be substituted the following head—

"(ii) a refugee;";

(c) in paragraph (7) at the end there shall be added the following definition—

""refugee" in this regulation, regulation 7B and Schedule A1, means a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees(**9**).".

Insertion of regulation 7B into the principal Regulations

3. After regulation 7A of the principal Regulations (persons from abroad) there shall be inserted the following regulation—

"**Entitlement of a refugee to housing benefit**

7B. Where a person, who has made a claim for asylum, is notified that he has been recorded by the Secretary of State as a refugee, these Regulations shall have effect with respect to his entitlement to housing benefit for the relevant period which applies in his case in accordance with Schedule A1 (treatment of claims for housing benefit by refugees), but that entitlement is—

(a) subject to the provisions of Schedule A1, and

(b) with respect to regulations 10 (rent) and 11 (maximum rent), subject to regulation 16(5A) of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996 (savings provision)(**10**).".

Amendment of Schedule 4 to the principal Regulations

4. In Schedule 4 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 54(**11**) at the end there shall be added—

"including any amount of council tax benefit to which a person is entitled by virtue of regulation 4D of the Council Tax Benefit (General) Regulations 1992 (entitlement of a refugee to council tax benefit)(**12**)

(b) after paragraph 61(**13**) there shall be added the following paragraphs—

"**62.** Any amount of housing benefit to which a person is entitled by virtue of regulation 7B (entitlement of a refugee to housing benefit).

(**7**) Regulation 7A was inserted by regulation 2(1) of S.R. 1994 No. 80 and amended by regulation 3(1)(*a*) of S.R. 1994 No. 266 and regulation 5(*d*) of S.R. 1996 No. 11 and saved by section 11 to the Asylum and Immigration Act 1996
(**8**) Regulation 7B and Schedule A1 are inserted by regulations 3 and 6 of these Regulations
(**9**) Cmd. 9171
(**10**) S.R. 1996 No. 111; paragraph (5A) of regulation 16 is inserted by regulation 8 of these Regulations
(**11**) Paragraph 54 was added by regulation 12(*e*) of S.R. 1993 No. 145
(**12**) S.I. 1992/1814; regulation 4D was inserted by regulation 3 of S.I. 1996/2432
(**13**) Paragraph 61 was substituted by regulation 4 of S.R. 1996 No. 93

63. Any amount of income support to which a person is entitled by virtue of regulation 21A of the Income Support (General) Regulations (Northern Ireland) 1987 (treatment of refugees)(**14**).".

Amendment of Schedule 5 to the principal Regulations

5. In Schedule 5 to the principal Regulations (capital to be disregarded)—

(a) in paragraph 44(**15**) at the end there shall be added—

", including any amount of council tax benefit to which a person is entitled by virtue of regulation 4D of the Council Tax Benefit (General) Regulations 1992 (entitlement of a refugee to council tax benefit) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation";

(b) after paragraph 47(**16**) the following paragraphs shall be added—

"**48.** Any amount of housing benefit to which a person is entitled by virtue of regulation 7B (entitlement of a refugee to housing benefit) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.

49. Any amount of income support to which a person is entitled by virtue of regulation 21A of the Income Support (General) Regulations (Northern Ireland) 1987 (treatment of refugees) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.".

Insertion of Schedule A1 into the principal Regulations

6. Before Schedule 1 to the principal Regulations (ineligible service charges) there shall be inserted Schedule A1 (treatment of claims for housing benefit by refugees) which is set out in the Schedule to these Regulations.

Consequential amendments to the principal Regulations

7. The principal Regulations shall be further amended in accordance with paragraphs (*a*) to (*g*)—

(a) in regulation 16 (applicable amounts) for the words from "and 70" to "periods)" there shall be substituted ", 70 and Schedule A1 (polygamous marriages, patients, calculation of weekly amounts, rent and rate-free periods and treatment of claims for housing benefit by refugees)";

(b) in regulation 17 (polygamous marriages) for the words from "and 70" to "periods)" there shall be substituted ", 70 and Schedule A1 (patients, calculation of weekly amounts, rent and rate-free periods and treatment of claims for housing benefit by refugees)";

(c) in regulation 18(1) (patients) for the words from "and 70" to "periods)" there shall be substituted ", 70 and Schedule A1 (calculation of weekly amounts, rent and rate-free periods and treatment of claims for housing benefit by refugees)";

(d) in regulation 72(1) (time and manner in which claims are to be made) at the end there shall be added "or paragraph 5 of Schedule A1 (treatment of claims for housing benefit by refugees)";

(**14**) S.R. 1987 No. 459; regulation 21A was inserted by regulation 2(3) of S.R. 1996 No. 449
(**15**) Paragraph 44 was added by regulation 13(*c*) of S.R. 1993 No. 145
(**16**) Paragraph 47 was added by regulation 21(*c*) of S.R. 1996 No. 334

(e) in regulation 73(1) (evidence and information)(**17**) at the beginning there shall be inserted "Subject to paragraph 5 of Schedule A1 (treatment of claims for housing benefit by refugees),";

(f) in regulation 76(2) (who is to make a determination)—

(i) in sub-paragraph (*a*) at the end there shall be added "or paragraph 1 of Schedule A1 (treatment of claims for housing benefit by refugees)";

(ii) in sub-paragraph (*b*) after "regulation 73 (evidence and information)" there shall be inserted "or paragraph 5 of Schedule A1";

(g) in regulations 93 and 94 (circumstances in which payment is or may be made to a landlord or the Department of the Environment) at the beginning there shall be inserted "Subject to paragraph 8(3) of Schedule A1 (treatment of claims for housing benefit by refugees),".

Amendment of the Housing Benefit (General) (Amendment No. 2) Regulations

8. In regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996 (saving provision)(**18**) after paragraph (5) there shall be inserted the following paragraph—

"(5A) The eligible rent of a person to whom regulation 7B (entitlement to housing benefit by refugees) of and Schedule A1 to the principal Regulations (treatment of claims for housing benefit by refugees) apply, shall be determined in accordance with regulations 10 (rent) and 11 (restrictions on unreasonable payments) of the principal Regulations as in operation on 1st April 1996.".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 24th September 1996.

John O'Neill
Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to the foregoing Regulations.
Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 24th September 1996.

R. E. Aiken
Assistant Secretary

(**17**) Paragraph (1) was amended by regulation 7 of S.R. 1988 No. 117 and regulation 8(*a*) of S.R. 1992 No. 141
(**18**) S.R. 1996 No. 111