STATUTORY RULES OF NORTHERN IRELAND

1996 No. 181

HOUSING; RATES

The Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1996

Made - - - -	*3rd May 1996*
Coming into operation	*7th 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) and (4) and 171(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1) (*j*) and (*q*) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and of all other powers enabling it in that behalf and with the consent of the Department of the Environment for Northern Ireland(**3**) 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(**4**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996.

(2) In these Regulations—

"the principal Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**5**);

"the Amendment Regulations" means the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996(**6**);

"the relevant date" means the 6th October 1996.

(3) In regulations 10 and 11 expressions used shall have the same meaning as they have in the principal Regulations.

(**1**) 1992 c. 7
(**2**) 1992 c. 8
(**3**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I.1993/1579 (N.I. 8))
(**4**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992
(**5**) S.R. 1987 No. 461; relevant amending regulations are S.R. 1994 No. 335 and S.R. 1996 No. 111
(**6**) S.R. 1996 No. 111

(4) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation) after the definition of "year of assessment" there shall be inserted the following definition—

> ""young individual" means a single claimant who has not attained the age of 25 years, but does not include such a claimant—
>
> (a) whose landlord is a registered housing association, or
>
> (b) who has ceased to be the subject of a training school order or a fit person order pursuant to section 95(1)(*a*) or (*b*) of the Children and Young Persons Act (Northern Ireland) 1968(**8**), which had previously been made in respect to him either—
>
> (i) after he attained the age of 16 years, or
>
> (ii) before he attained the age of 16 years, but had continued after he attained that age,
>
> and who has not attained the age of 22 years;".

Amendment of regulation 10A of the principal Regulations

3. In regulation 10A(3) of the principal Regulations (Determinations)(**9**) after sub-paragraph (*b*) there shall be added the following sub-paragraph—

> "(c) under paragraph 4A of Schedule 1A unless the Executive is satisfied that the claimant is, or may be, a young individual.".

Amendment of regulation 11 of the principal Regulations

4. In regulation 11 of the principal Regulations (maximum rent)(**10**) —

(a) in paragraph (2) after "local reference rent" there shall be inserted "or a single room rent";

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

> "(3A) In the case of a young individual, where the Executive has determined a single room rent, the maximum rent shall not exceed that single room rent.";

(c) in paragraph (4) for "limit specified in paragraph (3)" there shall be substituted "limits specified in paragraphs (3) and (3A)";

(d) in paragraph (5) for "limit specified in paragraph (3)" there shall be substituted "limits specified in paragraphs (3) and (3A)";

(e) in paragraph (11)(**11**) at the end there shall be added "except in a case where the maximum rent has been determined in accordance with paragraph (3A)";

(f) in paragraph (16) after the definition of "relevant rent" there shall be inserted the following definition—

> ""single room rent" means the rent determined by the Executive under paragraph 4A of Schedule 1A(**12**);".

(**7**) 1954 c. 33 (N.I.)
(**8**) 1968 c. 34 (N.I.)
(**9**) Regulation 10A was inserted by regulation 6 of S.R. 1996 No. 111
(**10**) Regulation 11 was substituted by regulation 7 of S.R. 1996 No. 111
(**11**) Paragraph (11) was added by regulation 7 of S.R. 1996 No. 111
(**12**) Paragraph 4A is inserted by regulation 8 of these Regulations

Amendment of regulation 88 of the principal Regulations

5. In regulation 88(3) of the principal Regulations (time and manner of payment) for "Subject to regulations 91 to 96" there shall be substituted "Subject to regulations 90 to 96".

Amendment of regulation 90 of the principal Regulations

6. In regulation 90 of the principal Regulations (frequency of payment of a rent allowance)—

(a) in paragraph (1) for "Subject to paragraphs (3) to (5)" there shall be substituted "Subject to paragraphs (2) to (5)";

(b) for paragraph (2) there shall be substituted the following paragraphs—

"(2) Except in a case to which paragraph (2A) applies, any payment of a rent allowance shall be made, in so far as it is practicable to do so, at the end of the period in respect of which it is made.

(2A) Except in a case to which regulation 94(1A)(**13**) applies and subject to paragraph (2B), this paragraph applies where payment of a rent allowance is being made to a landlord (which for these purposes has the same meaning as in regulations 93 and 94 (circumstances in which payment is or may be made to a landlord or the Department of the Environment)(**14**), when that payment shall be made—

(a) at intervals of 4 weeks, and

(b) at the end of the period in respect of which it is made.

(2B) Where paragraph (2A) applies,

(a) in a case where the liability in respect of which the rent allowance is paid is monthly, the Executive may make payment at intervals of 1 month;

(b) in a case where the Executive is paying a rent allowance to a landlord in respect of more than one claimant, then the first such payment in respect of any claimant may be made to that landlord at such lesser interval as the Executive considers is in the best interest of the efficient administration of housing benefit.";

(c) in paragraphs (3) and (4) at the beginning of each paragraph there shall be inserted "Except in a case to which paragraph (2A) applies,";

(d) in paragraph (5) at the beginning for "Subject to paragraphs (2) and (3)" there shall be substituted "Subject to paragraphs (2), (2A) and (3)".

Amendment of regulation 94 of the principal Regulations

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

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

"(1A) Without prejudice to the power in paragraph (1), in any case where in the opinion of the Executive—

(a) the claimant has not already discharged his liability to pay his landlord for the period in respect of which any payment is to be made, and

(b) it would be in the interests of the efficient administration of housing benefit,

(**13**) Paragraph (1A) is inserted by regulation 7 of these Regulations
(**14**) Regulation 94 was amended by regulation 10 of S.R. 1994 No. 335