STATUTORY RULES OF NORTHERN IRELAND

1996 No. 115

HOUSING; RATES

The Housing Benefit (General and Supply of Information) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*21st March 1996*
Coming into operation	*1st April 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(3) and (4)(*b*), 133(2)(*c*), (*d*) and (*h*) and 171(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(*a*), (*b*) and (*j*), 61(1) and (2A)(**2**) and 120(1) of the Social Security Administration (Northern Ireland) Act 1992(**3**) and of all other powers enabling it in that behalf and with the consent of the Department of the Environment for Northern Ireland(**4**) 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(**5**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General and Supply of Information) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 1st April 1996.

(2) In these Regulations "the principal Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**6**).

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

(**1**) 1992 c. 7
(**2**) Section 61(2A) was inserted by Article 30(2) of the Jobseekers (Northern Ireland) Order 1995 (S.I.1995/2705 (N.I. 15))
(**3**) 1992 c. 8
(**4**) *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))
(**5**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992
(**6**) S.R. 1987 No. 461; relevant amending regulations are S.R. 1990 No. 136, S.R. 1992 No. 549, S.R. 1993 No. 145, S.R. 1995 No. 89 and S.R. 1996 No. 111
(**7**) 1954 c. 33 (N.I.)

Amendment of regulation 2 of the principal Regulations

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

""extended payment" means a payment of housing benefit pursuant to regulation 62A;".

Insertion of regulation 62A into the principal Regulations

3. After regulation 62 of the principal Regulations (housing benefit tapers) there shall be inserted the following regulation—

"**Extended payments**

62A.—(1) Subject to paragraph (2), in a case where—

(a) a person was entitled to housing benefit and the benefit period comes to an end either—

(i) in accordance with regulation 67(*a*) (date on which benefit period is to end)(**8**), or

(ii) in a case where the conditions specified in paragraph (3) are satisfied, in accordance with regulation 67(*c*) on the ground that the claimant has vacated the dwelling which he occupied as his home;

(b) that person claims benefit under this regulation and the claim is in writing—

(i) on a properly completed form approved for the purpose by the appropriate authority, and

(ii) signed by him, and

(c) the additional conditions specified in Part I of Schedule 5A (extended payments of housing benefit)(**9**) are satisfied in his case,

then that person's housing benefit shall be determined in accordance with Part II of that Schedule and any award so determined shall be referred to in these Regulations as an "extended payment".

(2) For the purposes of any payment pursuant to this regulation—

(a) except in a case to which paragraph 8(*b*) of Schedule 5A applies, the maximum housing benefit of any person mentioned in paragraph (1) shall be that which was applicable to the award of housing benefit to him referred to in paragraph (1)(*a*);

(b) the maximum housing benefit of a person to whom paragraph 8(*b*) of Schedule 5A applies shall be determined in accordance with paragraph 9 of that Schedule, and

(c) any person who meets the requirements of paragraph (1) shall be treated as possessing no income and no capital.

(3) The conditions specified in this paragraph are that the claimant vacated the dwelling and that the day on which he did so was either in the week in which he or his partner took up employment as an employed or self-employed earner or in the preceding week.

(4) Regulations 71, 72 and 73 (claims, evidence and information) shall not apply to a claim pursuant to this regulation and, subject to regulation 69(9)(**10**), Part IX (calculation of weekly amounts and changes of circumstances) shall not apply to any payment under it.

(**8**) Paragraphs (*a*) to (*c*) were substituted by regulation 9 of S.R. 1990 No. 136 and paragraph (*a*) was amended by regulation 8 of S.R. 1995 No. 89

(**9**) Schedule 5A is inserted by regulation 6 of these Regulations

(**10**) Paragraph (9) of regulation 69 is inserted by regulation 4 of these Regulations

(5) In a case where a payment has been made under this regulation—

(a) the beneficiary shall be treated, for the purposes of these Regulations and of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996(**11**), as though he were entitled to and in receipt of housing benefit during the 4 weeks immediately following the end of the relevant benefit period, and

(b) any claim for housing benefit made within that 4 week period or the 4 weeks thereafter shall be deemed to be within the period of 4 weeks specified in regulation 72(13) (time and manner in which claims are to be made).".

Amendment of regulation 69 of the principal Regulations

4. In regulation 69 of the principal Regulations (calculation of weekly amounts) after paragraph (8) there shall be added the following paragraph—

"(9) In any case where a claimant has received an extended payment, his entitlement shall be adjusted in such circumstances and by such amount as are prescribed in Part III of Schedule 5A (extended payments of housing benefit).".

Amendment of regulation 76 of the principal Regulations

5. In regulation 76 of the principal Regulations (who is to make a determination) after paragraph (3) there shall be added the following paragraph—

"(4) Without prejudice to the generality of the foregoing provisions of this regulation, in a case where a person—

(a) has claimed an extended payment within 7 days from the day immediately after the day on which his entitlement to income support ceased ("the appropriate day"), and

(b) has made a claim, which meets the requirements of regulation 72(1), (6) and (9), within 14 days of the appropriate day,

the appropriate authority shall give priority to that claim over other claims which do not fall within the provisions of this paragraph.".

Insertion of Schedule 5A into the principal Regulations

6. After Schedule 5 there shall be inserted the following Schedule—

"SCHEDULE 5A Regulations 62A and 69(9)

Extended Payments of Housing Benefit

Part I

Conditions for an extended payment

1. The conditions referred to in regulation 62A(1)(*c*) are those specified in paragraphs 2 and 3.

2. The conditions specified in this paragraph are that the Department has certified to the appropriate authority—

(**11**) S.R. 1996 No. 111

(a) that the claimant was entitled to and in receipt of income support and that entitlement has ceased;

(b) the relevant day in his case;

(c) that before his entitlement to income support ceased—

(i) the claimant was available for and actively seeking employment,

(ii) the amount applicable to the claimant in income support included an amount by way of a premium pursuant to paragraph 8 (lone parent premium) or, in a case where the claimant was the carer or one of the carers, paragraph 14ZA (carer premium) of Schedule 2 (applicable amounts) to the Income Support (General) Regulations (Northern Ireland) 1987(**12**), or

(iii) the claimant was a relevant trainee;

(d) that entitlement to income support had ceased by reason of the claimant or his partner—

(i) commencing employment as an employed or self-employed earner,

(ii) increasing their earnings from such employment, or

(iii) increasing the number of hours worked in such employment, and

(e) that the claimant had been entitled to and in receipt of income support for a continuous period of at least 26 weeks until the relevant day in any of, or any combination of, the circumstances set out at sub-paragraph (*c*) and for the purpose of this sub-paragraph entitlement to and receipt of unemployment benefit shall be taken to be entitlement to and receipt of income support.

3.—(1) The conditions specified in this paragraph are that the claimant certifies the matters specified in sub-paragraph (2) and meets the requirements specified in sub-paragraph (3).

(2) The matters that the claimant has to certify are—

(a) that—

(i) except in a case to which the sub-head (ii) applies, the liability to pay in respect of the dwelling which he occupies as his home will be continuing for a period of not less than 4 weeks after the last day, or

(ii) he has moved or is about to move to another dwelling ("the new dwelling") which he is or will be occupying as his home, and the liability to make payments in respect of the new dwelling, follows on immediately from the liability to make payments in respect of his previous dwelling and the liability to make such payments is for a period of not less than 4 weeks commencing on the day following the last day;

(b) in a case where head (*a*)(ii) applies, the address of that second dwelling and the date upon which he expects to or did go into occupation of it, and

(c) that he or his partner has or is about to—

(i) commence remunerative work, or

(ii) commence or increase the amount of work or the rate of remuneration for work,

so that he ceases to be entitled to income support, and that work or, as the case may be, increase is expected to last for 5 weeks or more.

(3) The specified requirements are that—

(a) the claimant is less than 60 years of age on the day following the relevant day;

(**12**) S.R. 1987 No. 459; paragraph 14ZA was inserted by regulation 6(*d*) of S.R. 1990 No. 346 and amended by S.R. 1991 No. 338 and S.R. 1992 No. 6