1995 No. 89

HOUSING; RATES

The Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1995

Made . . . . . 10th March 1995

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*), 131(1), 132(1), (3) and (4)(*a*) and (*b*), 133(2)(*d*)(i), (*h*) and (*l*) and 171(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and section 5(1)(*l*) and (*p*) of the Social Security Administration (Northern Ireland) Act 1992(**b**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**c**) so far as relates to matters with regard to which such consent is required, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(**d**), 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) 1995 and shall come into operation as follows—

(*a*) regulation 1 on 1st April 1995, and

(*b*) regulations 2 to 11—

(i) in any case to which paragraph (2) applies, on 1st April 1995, and

(ii) in any other case, on 3rd April 1995.

(2) This paragraph applies in any case where—

(*a*) rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, or

(*b*) payments by way of rates are not made together with payments of rent at weekly intervals or multiples thereof.

(3) In these Regulations "the principal regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**e**).

(**a**) 1992 c. 7
(**b**) 1992 c. 8
(**c**) *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))
(**d**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992
(**e**) S.R. 1987 No. 461; relevant amending regulations are S.R. 1990 No. 136, S.R. 1991 No. 337, S.R. 1992 No. 6 and S.R. 1994 Nos. 65 and 274

(4) The Interpretation Act (Northern Ireland) 1954(**a**) 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 ''unmarried couple'' there shall be inserted—

'' ''voluntary organisation'' means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members of the association;''.

Amendment of regulation 3 of the principal regulations

3. In regulation 3(2)(*f*) of the principal regulations (definition of non-dependant)(**b**) for ''voluntary body'' there shall be substituted ''voluntary organisation''.

Amendment of regulation 4 of the principal regulations

4. In regulation 4 of the principal regulations (remunerative work)—

(*a*) in paragraph (2), at the beginning there shall be inserted ''Subject to paragraph (2A),'', and

(*b*) after paragraph (2), there shall be inserted the following paragraph—

''(2A) Where, for the purposes of paragraph (2)(*a*), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.''.

Amendment of regulation 5 of the principal regulations

5. In regulation 5 of the principal regulations (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) after paragraph (8) there shall be inserted the following paragraph—

''(8A) Where a person is detained in custody pending sentence upon conviction or under a sentence imposed by a court, other than a person who is detained under the Mental Health (Northern Ireland) Order 1986(**c**), he shall not, for any day that he is on temporary release from detention in accordance with Rules made under the provisions of the Prison Act (Northern Ireland) 1953(**d**), be treated for the purposes of this regulation as if his detention has ceased.''.

(**a**) 1954 c. 33 (N.I.)
(**b**) Paragraph (2)(*f*) was amended by paragraph 1(*b*) of Schedule 13 to S.R. 1994 No. 65
(**c**) S.I. 1986/595 (N.I. 4)
(**d**) 1953 c. 18 (N.I.)