1994 No. 138

SOCIAL SECURITY

The Income Support (General) (Amendment) Regulations (Northern Ireland) 1994

Made	*8th April 1994*
Coming into operation . .	*2nd May 1994*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(*a*) and 131(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) 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 Income Support (General) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 2nd May 1994.

(2) The Interpretation Act (Northern Ireland) 1954(**b**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of Schedule 3 to the Income Support (General) Regulations

2. In Schedule 3 to the Income Support (General) Regulations (Northern Ireland) 1987(**c**) (housing costs) after paragraph 5 (circumstances in which no amount of housing costs may be met) there shall be inserted the following paragraph—

"*Other housing costs which are not met*

5A.—(1) Subject to sub-paragraphs (2) to (12), the housing costs referred to in paragraph 1(*a*), (*aa*) and (*b*) (eligible housing costs) shall not be met during the relevant period where those costs were incurred—

(*a*) after 2nd May 1994, and

(*b*) during that same relevant period.

(2) The "relevant period" is any period during which the person who incurred the cost is either—

(*a*) entitled to income support, or

(*b*) living as a member of a family one of whom is entitled to income support,

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(**a**) 1992 c. 7
(**b**) 1954 c. 33 (N.I.)
(**c**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 Nos. 318 and 431, S.R. 1990 No. 131 and S.R. 1993 Nos. 28, 373 and 479

together with any linked period that is to say a period falling between two such periods of entitlement to income support separated by not more than 26 weeks; and for the purposes of this paragraph two or more periods of entitlement and any intervening linked periods form a single relevant period.

(3) Where in the relevant period, before the housing costs referred to in sub-paragraph (1) were incurred (''the new liability''), housing costs of a kind referred to in paragraph 1(*a*), (*aa*) or (*b*) were applicable in the case of the claimant or a member of his family (''the former liability'') then, in sub-paragraph (1), the housing costs which are not to be met are such costs, except those costs mentioned in sub-paragraphs (4) and (5)—

(*a*) except in a case to which head (*b*) applies, as are equal to an amount (if any) by which the new liability exceeds the former liability, and

(*b*) where—

(i) the former liability has remained and the new liability was incurred in addition to the former liability, and

(ii) paragraph 4(6) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) does not apply in respect of the former liability and the new liability,

as are equal to the amount of the new liability.

(4) The housing costs mentioned in this sub-paragraph are any housing costs in excess of the former liability which are attributable solely to movements in interest rates, and not to an increase in the amount borrowed.

(5) The housing costs mentioned in this sub-paragraph are those met under paragraph 8 (interest on loans for repairs and improvements to the dwelling occupied as the home), but as if for head (*k*) in paragraph 8(3) there was substituted the following head—

''(*k*) provision of separate sleeping accommodation for children of different sexes aged 10 or over who are part of the same family as the claimant.''.

(6) Notwithstanding sub-paragraph (1), the housing costs shall be met in accordance with the provisions of this Schedule in the case of a claimant who satisfies the conditions specified in sub-paragraph (7), (8), (9) or (10), but—

(*a*) subject to any additional limitations imposed by the sub-paragraph, and

(*b*) where the claimant satisfies the conditions in more than one of those sub-paragraphs, only one sub-paragraph shall apply in his case and the one that applies shall be the one most favourable to him.

(7) The conditions specified in this sub-paragraph are that—

(*a*) during the relevant period the claimant or a member of his family acquires an interest (''the relevant interest'') in a dwelling which he then occupies as his home, and