1994 No. 88

HOUSING; RATES

The Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1994

Made . . . . . 11th March 1994

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*) and 132(3) and (4)(*a*) and (*b*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and section 61(3) 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 in respect of 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) 1994 and shall come into operation as follows—

(*a*) regulation 1 on 1st April 1994;

(*b*) regulations 2 to 11—

(i) in any case to which paragraph (2) applies, on 1st April 1994;

(ii) in any other case, on 4th April 1994.

(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 Nos. 136 and 297, S.R. 1991 Nos. 47 and 337, S.R. 1992 Nos. 35, 141 and 404 and S.R. 1993 Nos. 145 and 414

(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)—

(*a*) the definition of ''boarder'' shall be omitted;

(*b*) after the definition of ''person on income support'' there shall be inserted the following definition—

'' ''personal pension scheme'' has the same meaning as in section 167(1) of the Social Security Administration (Northern Ireland) Act 1992(**b**) and, in the case of a self-employed earner, includes a scheme approved by the Board of Inland Revenue under Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988(**c**);''.

Amendment of regulation 25 of the principal regulations

3. In regulation 25 of the principal regulations (calculation of weekly income)—

(*a*) for ''For the purposes of regulations 22 to 24 (average weekly income)'' there shall be substituted ''—(1) For the purposes of regulations 22 and 24 (average weekly earnings of employed earners and average weekly income other than earnings)'';

(*b*) after paragraph (1) there shall be added the following paragraph—

''(2) For the purposes of regulation 23 (average weekly earnings of self-employed earners) the weekly amount of earnings of a claimant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the quotient by 7.''.

Amendment of regulation 29 of the principal regulations

4. In regulation 29(4) of the principal regulations (calculation of net earnings of employed earners)(**d**) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

''(*b*) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Contributions and Benefits Act in respect of those earnings if such contributions were payable, and''.

(**a**) 1954 c. 33 (N.I.)
(**b**) 1992 c. 8; section 167(1) was amended by the Pension Schemes (Northern Ireland) Act 1993 (c. 49) section 184 and Schedule 7, para 42
(**c**) 1988 c. 1
(**d**) Regulation 29(4) was amended by regulation 5 of S.R. 1992 No. 404

Amendment of regulation 30 of the principal regulations

5. In regulation 30(1) of the principal regulations (earnings of self-employed earners)(**a**) at the end there shall be added "unless at the date of claim the allowance has been terminated".

Amendment of regulation 31 of the principal regulations

6. In regulation 31 of the principal regulations (calculation of net profit of self-employed earners)—

(*a*) for "one half of any qualifying premium payable" in each place where those words occur there shall be substituted "one half of the amount calculated in accordance with paragraph (11A) in respect of any qualifying premium";

(*b*) for paragraph (11) there shall be substituted the following paragraphs—

"(11) In this regulation—

"qualifying premium" means any premium which is payable periodically in respect of a retirement annuity contract or a personal pension scheme and is so payable on or after the date of claim;

"retirement annuity contract" means an annuity contract for the time being approved by the Board of Inland Revenue as having for its main object the provision of a life annuity in old age or the provision of an annuity for a partner or dependant and in respect of which relief from income tax may be given on any premium.

(11A) The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this regulation the daily amount of the qualifying premium shall be determined—

(*a*) where the qualifying premium is payably monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;

(*b*) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.".

Amendment of regulation 35 of the principal regulations

7. In regulation 35(7) of the principal regulations (notional income)(**b**) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Contributions and Benefits Act in respect of those earnings if such contributions were payable, and".

(**a**) Regulation 30(1) was amended by regulation 5 of S.R. 1993 No. 145 and regulation 3 of S.R. 1993 No. 414

(**b**) Regulation 35(7) was amended by regulation 7 of S.R. 1992 No. 404