1994 No. 80

HOUSING; RATES

The Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 1994

Made . . . . . 7th 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 133(2)(i) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**b**) 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(**c**), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation as follows—

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

(*b*) regulation 2—

(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(**d**).

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

(**a**) 1992 c. 7

(**b**) *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))

(**c**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(**d**) S.R. 1987 No. 461 to which there are amendments not relevant to these regulations

(**e**) 1954 c. 33 (N.I.)

Amendment of regulation 7 of the principal regulations

2.—(1) After regulation 7 of the principal regulations (circumstances in which a person is to be treated as not liable to make payments in respect of a dwelling) there shall be inserted the following regulation—

"*Persons from abroad*

7A.—(1) A person from abroad who is liable to make payments in respect of a dwelling shall be treated as if he were not so liable.

(2) In paragraph (1) a "person from abroad" means a person, other than a person to whom paragraph (3) or (5) applies, who has limited leave (as defined in section 33(1) of the 1971 Act) to enter or remain in the United Kingdom which was given in accordance with any provision in the immigration rules (as defined in that section) relating to—

(*a*) there being, or to there needing to be, no recourse to public funds, or

(*b*) there being no charge on public funds,

during that limited leave.

(3) Subject to paragraph (6) this paragraph applies to a person who—

(*a*) is a national of a European Economic Area State, a state which is a signatory to the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953)(**a**), a state which is a signatory to the Council of Europe Social Charter (signed in Turin on 18th October 1961)(**b**), the Channel Islands or the Isle of Man, or

(*b*) having, during any one period of limited leave (including any such period as extended), supported himself without recourse to public funds other than any such recourse by reason of the previous application of this sub-paragraph, is temporarily without funds during that period of leave because remittances to him from abroad have been disrupted, provided that there is a reasonable expectation that his supply of funds will be resumed.

(4) In paragraph (1) "person from abroad" also means any person other than a person to whom paragraph (5) applies who—

(*a*) having a limited leave (as defined in section 33(1) of the 1971 Act) to enter or remain in the United Kingdom, has remained without further leave under that Act beyond the time limited by the leave;

(*b*) is the subject of a deportation order being an order under section 5(1) of the 1971 Act (deportation) requiring him to leave and prohibiting him from entering the United Kingdom except where his removal from the United Kingdom has been deferred in writing by the Secretary of State, or

(*c*) is adjudged by the immigration authorities to be an illegal entrant (as defined in section 33(1) of the 1971 Act) who has not subsequently been given leave under that Act to enter or remain in

(**a**) Cmd. 9512
(**b**) Cmd. 2643