1992 No. 141

HOUSING; RATES

The Housing Benefit (General and Supply of Information) (Amendment) Regulations (Northern Ireland) 1992

Made	*19th March 1992*
Coming into operation—	
regulations 1, 7 and 16	*30th March 1992*
regulation 12	*1st April 1992*
regulations 2, 8, 13 and 14 to the extent that they relate to cases referred to in regulation 1(2)	*1st April 1992*
to the extent that they relate to any other case	*6th April 1992*
regulations 3 to 6, 9, 10, 11(b) to (d), 15 and 17	*6th April 1992*
regulation 11(a)	*5th October 1992*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1)(*c*), 22(6)(*b*), 23(8), 23(9)(*a*) and (*b*), 30(1) to (4), 32(1) and 52(1)(*h*) of the Social Security (Northern Ireland) Order 1986(**a**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment(**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 and Supply of Information) (Amendment) Regulations (Northern Ireland) 1992 and shall come into operation as follows—

(*a*) regulations 1, 7 and 16 on 30th March 1992;

(*b*) regulation 12 on 1st April 1992;

(*c*) regulations 2, 8, 13 and 14 in any case to which paragraph (2) applies on 1st April 1992, and in any other case on 6th April 1992;

(*d*) regulations 3 to 6, 9, 10, 11(*b*) to (*d*), 15 and 17 on 6th April 1992;

(*e*) regulation 11(*a*) on 5th October 1992.

(a) S.I. 1986/1888 (N.I. 18); Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the enabling provisions under which these regulations are made; section 155(3A) was inserted by Article 63(1)

(b) *See* Article 81(5) of the Social Security (Northern Ireland) Order 1986

(c) *See* Article 62(1)(*b*) of the Social Security (Northern Ireland) Order 1986

(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(**a**).

Amendment of regulation 2 of the principal regulations

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

" "supplementary benefit" means a supplementary pension or allowance under Article 3 or 6 of the Supplementary Benefits (Northern Ireland) Order 1977(**b**);".

Amendment of regulation 46 of the principal regulations

3. In regulation 46 of the principal regulations (interpretation) in the definition of "student" for " "student" means a person" there shall be substituted " "student" means a person, other than a person in receipt of a training allowance,".

Amendment of regulation 53 of the principal regulations

4. In regulation 53 of the principal regulations (calculation of grant income)—

(*a*) in paragraph (1) for "paragraph (2)" there shall be substituted "paragraphs (2) and (2A)";

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

"(2A) Where in pursuance of an award a student is in receipt of a grant in respect of maintenance under regulation 12(1)(*b*) of the Students Awards Regulations (Northern Ireland) 1991(**c**) (payments by boards) there shall be excluded from his grant income a sum equal to the amount specified in paragraph 7(4) of Schedule 7 to those regulations (requirements) being the amount to be disregarded in respect of travel costs in the particular circumstances of his case.".

Amendment of regulation 54 of the principal regulations

5. In regulation 54(3) of the principal regulations (calculation of covenant income where a contribution is assessed) for the words from "regulation 53(2)(*h*)" to the end there shall be substituted "regulation 53(2)(*h*) (calculation of grant income) falls short of the amount specified in

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(**a**) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1988 No. 117, S.R. 1989 No. 125, S.R. 1990 Nos. 136, 297 and 345 and S.R. 1991 Nos. 176, 204, 337 and 520

(**b**) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 18)), are set out in Part II of that Schedule. Articles 3 and 6 were repealed with effect from 11th April 1988 by Schedule 10 to the Social Security (Northern Ireland) Order 1986

(**c**) S.R. 1991 No. 508

paragraph 7(4)(i) of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1991 (requirements).''.

Amendment of regulation 55 of the principal regulations

6. In regulation 55(1)(*c*) of the principal regulations (calculation of covenant income where no grant income or no contribution is assessed) for ''regulation 53(2)(*g*) and (*h*)'' there shall be substituted ''regulation 53(2)(*g*) and (2A)''.

Amendment of regulation 68 of the principal regulations

7. In regulation 68 of the principal regulations (date on which change of circumstances is to take effect)—

(*a*) in paragraph (1) for ''paragraphs (2) to (4)'' there shall be substituted ''paragraphs (2) to (5)'';

(*b*) for paragraph (3) there shall be substituted the following paragraph—

''(3) Where the change of circumstances is an amendment of these regulations that change shall, subject to regulation 69(7), take effect as follows—

(*a*) where the amendment is made by an order under Article 64 of the Order (annual up-rating of benefits)—

(i) in a case in which the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 69(2)(*b*) (calculation of weekly amounts), from 1st April,

(ii) in any other case, from the first Monday in April,

in the year in which that order comes into operation;

(*b*) in respect of any other amendment, from the date on which the amendment of these regulations comes into operation in the particular case.'';

(*c*) in paragraph (4) for ''paragraphs (1) to (3)'' there shall be substituted ''paragraphs (1), (2) or (3)(*a*)(i) or (*b*)'';

(*d*) after paragraph (4) there shall be added the following paragraph—

''(5) Where, during a benefit week commencing on the first Monday in April—

(*a*) a change of circumstances takes effect in accordance with paragraph (3)(*a*)(ii);

(*b*) one or more changes of circumstances occur to which paragraph (1) applies; and

(*c*) no other change of circumstances occurs to which this regulation applies,

any change of circumstances to which paragraph (1) applies and which occurs in that benefit week shall take effect from the first day of that benefit week.''.

Amendment of regulation 73 of the principal regulations

8. In regulation 73 of the principal regulations (evidence and information)—

(*a*) in paragraph (1) for the words from ''which is disregarded'' to the end there shall be substituted ''to which paragraph (3) applies.'';

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

''(3) This paragraph applies to any of the following payments—

(*a*) a payment which is—

(i) disregarded under paragraph 23 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or paragraph 32 of Schedule 5 (capital to be disregarded), and

(ii) made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust or the Macfarlane (Special Payments) (No. 2) Trust;

(*b*) a payment which is disregarded under paragraph 37 of Schedule 4 or paragraph 23 of Schedule 5, other than a payment made under the Independent Living Fund.''.

Amendment of regulation 77 of the principal regulations

9. In regulation 77 of the principal regulations (notification of determinations) after paragraph (3) there shall be added the following paragraphs—

''(4) A person to whom an authority sends or delivers a notification of determination may request in writing the authority to provide a written statement setting out the reasons as to its determination of any matter set out in the notice.

(5) The written statement referred to in paragraph (4) shall be sent to the person requesting it within 14 days or as soon as is reasonably practicable thereafter.''.

Amendment of regulation 78 of the principal regulations

10. In regulation 78(3) of the principal regulations (time and manner of making notifications, requests or representations)—

(*a*) '', 80 (requests for statement of reasons)'' shall be omitted;

(*b*) for ''a request for a statement or representations'' there shall be substituted ''representations or a request for a further review''.

Amendment of regulation 79 of the principal regulations

11. In regulation 79 of the principal regulations (review of determinations)—

(*a*) in paragraph (2) at the end there shall be added ''within 14 days of receiving the representations or as soon as reasonably practicable thereafter'';

(*b*) in paragraph (3) for ''paragraph (4)'' there shall be substituted ''paragraph (5)'';