1991 No. 337

HOUSING; RATES

The Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1991

Made	*30th July 1991*
Coming into operation—	
regulations 1, 13, 15, 16(e) and 20	*5th August 1991*
regulations 9 to 12 to the extent that they relate to cases referred to in regulation 1(1)(b)(i)	*the first Monday of that period*
to the extent that they relate to cases referred to in regulation 1(1)(b)(ii)	*2nd September 1991*
regulations 2, 4 to 8, 14, 16(a) to (d), 18 and 19	*7th October 1991*
regulations 3 and 17 to the extent that they relate to any case referred to in regulation 1(1)(d)(i)	*1st April 1992*
to the extent that they relate to any other case	*6th April 1992*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1)(*c*), (8) and (12)(*d*), 23(1), (8) and (9), 30(3) to (5) and 52(1)(*a*) and (*b*) 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:

(**a**) S.I. 1986/1888 (N.I. 18); Article 21(12)(*d*) was substituted by Article 15(2) of the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342) (N.I. 13)); 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

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1991 and shall come into operation as follows—

(*a*) regulations 1, 13, 15, 16(*e*) and 20 on 5th August 1991;

(*b*) regulations 9 to 12—

(i) to the extent that they relate to a case where a student's period of study begins on or after 1st August 1991 but before 2nd September 1991, on the first Monday of that period,

(ii) to the extent that they relate to a case where a student's period of study begins on or after 2nd September 1991, on 2nd September 1991;

(*c*) regulations 2, 4 to 8, 14, 16(*a*) to (*d*), 18 and 19 on 7th October 1991;

(*d*) regulations 3 and 17—

(i) to the extent that they relate to any case where rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, on 1st April 1992,

(ii) in any other case, on 6th April 1992.

(2) 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) the definition of "community charge" shall be omitted.

Amendment of regulation 4 of the principal regulations

3. In regulation 4(1) of the principal regulations (remunerative work) for "24 hours" there shall be substituted "16 hours".

Amendment of regulation 21 of the principal regulations

4. In regulation 21 of the principal regulations (calculation of income on a weekly basis)—

(*a*) in paragraph (1)(*a*) for "this Part" there shall be substituted "this Part and Chapters I and III of Part VII";

(*b*) for paragraph (2) there shall be substituted the following paragraph—

"(2) For the purposes of paragraph (1) "income" includes capital treated as income under regulation 34 (capital treated as income) and income which a claimant is treated as possessing under regulation 35 (notional income).".

Amendment of regulation 31 of the principal regulations

5. In regulation 31(2) of the principal regulations (calculation of net profit of self-employed earners) for "paragraphs 1 to 11" there shall be substituted "paragraphs 1 to 12".

(**a**) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1988 No. 424, S.R. 1990 Nos. 33, 137, 297 and 345 and S.R. 1991 Nos. 47, 79, 176 and 204

Amendment of regulations 35 and 43 of, and Schedule 4 to, the principal regulations

6. In the following provisions of the principal regulations for ''household fuel,'' there shall be substituted ''household fuel or'' and ''or community charge'' shall be omitted—

(*a*) regulation 35(3)(*a*) (notional income);

(*b*) regulation 43(3)(*a*) (notional capital);

(*c*) Schedule 4, paragraph 15(2) (disregard of charitable payments from income).

Amendment of regulation 35 of the principal regulations

7. In regulation 35(5) of the principal regulations (notional income)—

(*a*) in sub-paragraph (*a*) for ''another person;'' there shall be substituted ''another person; and'';

(*b*) in sub-paragraph (*b*) for ''the area; and'' there shall be substituted ''the area,'';

(*c*) sub-paragraph (*c*) shall be omitted;

(*d*) after ''for that employment'' there shall be inserted ''unless the claimant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service''.

Amendment of regulation 43A of the principal regulations

8. In regulation 43A(4)(*a*) of the principal regulations (diminishing notional capital rule) at the end there shall be added ''and, for the purposes of this sub-paragraph, if the relevant week is a week to which regulation 69(5)(*a*) refers (calculation of weekly amounts), that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number of days in that week for which he was liable to make payments in respect of the dwelling he occupies as his home and multiplying the quotient so obtained by 7''.

Amendment of regulation 46 of the principal regulations

9. In regulation 46 of the principal regulations (interpretation)—

(*a*) after the definition of ''grant income'' there shall be inserted the following definition—

'' ''last day of the course'' means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;'';

(*b*) in the definition of ''period of study''—

(i) in paragraph (*a*) for ''to the end'' there shall be substituted ''and ending with the last day of the course'',

(ii) in paragraph (*b*) after ''any subsequent year of the course,'' there shall be added ''other than the final year of the course,'',

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

''(*c*) in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;'';

(*c*) in the definition of "student" for "the end of the course" there shall be substituted "the last day of the course".

Amendment of regulation 51 of the principal regulations

10. In regulation 51(1) of the principal regulations (eligible rent) for "£15·55" there shall be substituted "£16·25".

Amendment of regulation 53 of the principal regulations

11. In regulation 53(2)(*g*) of the principal regulations (calculation of grant income) for "£246" there shall be substituted "£257".

Amendment of regulation 57A of the principal regulations

12. In regulation 57A(2)(*b*) of the principal regulations (treatment of student loans) for "the date on which the course ends" there shall be substituted "the last day of the course".

Amendment of regulation 72 of the principal regulations

13. In regulation 72(5)(*bb*) of the principal regulations (time and manner in which claims are to be made) after "designated office" there shall be inserted "or the appropriate office".

Amendment of regulation 99 of the principal regulations

14. In regulation 99 of the principal regulations (recoverable overpayments)—

(*a*) in paragraph (2) at the beginning there shall be inserted "Subject to paragraph (4A),";

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

"(4A) Where in consequence of an official error, a person has been awarded a rent rebate or rate rebate or both, to which he was not entitled or which exceeded the benefit to which he was entitled, upon the award being reviewed any overpayment of benefit, which remains credited to him by the appropriate authority in respect of a period after the date of the review, shall be recoverable.".

Amendment of Schedule 1 to the principal regulations

15. In Schedule 1 to the principal regulations (ineligible service charges) in paragraph 1(*a*)(iii) for "(except television and radio relay charges)" there shall be substituted—

"(except radio relay charges, charges made in respect of the conveyance and the installation and maintenance of equipment for such conveyance of a television broadcasting service which is not a domestic satellite service, or charges made in respect of the conveyance and the installation and maintenance of equipment for such conveyance of a television programme service where in respect of the claimant's dwelling the installation of such equipment is the only practicable means of conveying satisfactorily a television broadcasting service which is not a domestic satellite service, as these services are defined in the Broadcasting Act 1990(**a**))".

(**a**) 1990 c. 42; "television programme service" and "television broadcasting service" are defined respectively in section 2(4) and (5) of the Broadcasting Act 1990 and "domestic satellite service" is defined in section 43(1) of that Act