1991 No. 47

HOUSING; RATES

The Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 1991

Made	*14th February 1991*
Coming into operation—	
regulations 1, 4, 6 and 7	*13th March 1991*
regulations 2, 3, 5 and 8 to 12	*1st April 1991*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1)(*c*), (8) and (12)(*h*), 22(6)(*b*), 23(8) and (9), 30(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:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation as follows—

(*a*) regulations 1, 4, 6 and 7 on 13th March 1991;

(*b*) regulations 2, 3, 5 and 8 to 12 on 1st April 1991.

(2) In these regulations "the principal regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**d**).

Amendment of regulation 11 of the principal regulations

2. In regulation 11(2) of the principal regulations (restrictions on unreasonable payments)—

(*a*) for "Subject to paragraphs (3) to (4), where the appropriate authority considers—" there shall be substituted "The appropriate authority shall consider—";

(*b*) in sub-paragraphs (*a*), (*b*) and (*c*) for "that" at the beginning of each of those sub-paragraphs there shall be substituted "whether";

(**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

(**d**) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1988 No. 314, S.R. 1989 No. 125 and S.R. 1990 Nos. 136, 137, 297, 305 and 345

(*c*) after sub-paragraph (*c*) for ''the authority may'' there shall be substituted ''and, where it appears to the authority that the dwelling is larger than is reasonably required or that the rates are, or as the case may be, the rent is unreasonably high, the authority shall, subject to paragraphs (3) to (4),''.

Amendment of regulation 29 of the principal regulations

3. In regulation 29(2) of the principal regulations (calculation of net earnings of employed earners) for ''paragraphs 1 to 11'' there shall be substituted ''paragraphs 1 to 12''.

Amendment of regulation 33 of the principal regulations

4. In regulation 33(3A) of the principal regulations (calculation of income other than earnings) after ''Education (Student Loans) (Northern Ireland) Order 1990'' there shall be inserted ''or section 1 of the Education (Student Loans) Act 1990(**a**).''.

Amendment of regulation 43A of the principal regulations

5. In regulation 43A of the principal regulations (diminishing notional capital rule)—

(*a*) in paragraph (3)—

(i) for the words from ''equal to'' to the end there shall be substituted ''equal to the aggregate of—

(*a*) the additional amount to which paragraph (2)(*b*) refers;'',

(ii) after sub-paragraph (*a*) there shall be added the following sub-paragraphs—

''(*b*) where the claimant has also claimed family credit, the amount of family credit or any additional amount of that benefit to which he would have been entitled in respect of the benefit week to which paragraph (2) refers but for the application of regulation 34(1) of the Family Credit (General) Regulations (Northern Ireland) 1987 (notional capital)(**b**); and

(*c*) where the claimant has also claimed income support, the amount of income support to which he would have been entitled in respect of the benefit week to which paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations (Northern Ireland) 1987 (notional capital)(**c**).''.

(a) 1990 c. 6
(b) S.R. 1987 No. 463; the relevant amending regulations are S.R. 1990 No. 347
(c) S.R. 1987 No. 459; the relevant amending regulations are S.R. 1990 No. 346

(*b*) in paragraph (4)—

(i) for the words from ''shall be'' to the end there shall be substituted ''shall be equal to the aggregate of—

(*a*) the amount of housing benefit to which the claimant would have been entitled in the relevant week but for regulation 43(1);'',

(ii) after sub-paragraph (*a*) there shall be added the following sub-paragraphs—

''(*b*) if the claimant would, but for regulation 34(1) of the Family Credit (General) Regulations (Northern Ireland) 1987 have been entitled to family credit or to an additional amount of that benefit in respect of the benefit week within the meaning of regulation 34A(8)(*a*) of those regulations (diminishing notional capital rule), which includes the last day of the relevant week, the amount which is equal to—

(i) in a case where no family credit is payable, the amount to which he would have been entitled, or

(ii) in any other case, the amount equal to the additional amount of family credit to which he would have been entitled; and

(*c*) if the claimant would, but for regulation 51(1) of the Income Support (General) Regulations (Northern Ireland) 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7.''.

(*c*) in paragraph (8) before the definition of ''relevant week'' there shall be inserted the following definition—

'' ''part-week'' in paragraph (4)(*c*) means—

(i) a period of less than a week which is the whole period for which income support is payable, and

(ii) to any other period of less than a week for which it is payable;''.

Amendment of regulation 48A of the principal regulations

6. In regulation 48A of the principal regulations (full-time students to be treated as not liable to make payments of rent in respect of a dwelling)—

(*a*) in paragraph (2)(*g*)—

(i) in head (i) for ''or paragraph 12 of Schedule 7 to the Students Awards Regulations (Northern Ireland) 1990, or'' there shall be