1990 No. 136

HOUSING; RATES

The Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1990

Made	*29th March 1990*
Coming into operation—	
for the purposes of regulation 1	*1st April 1990*
for the purposes of regulations 2, 3 and 5 to 14	
to the extent that they relate to cases referred to in regulation 1(2)	*1st April 1990*
to the extent that they relate to any other case	*2nd April 1990*
for the purposes of regulation 4	*9th April 1990*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1)(*c*) and (11), 22(6)(*b*), 23(1), (8) and (9) and 52(1)(*l*) of the Social Security (Northern Ireland) Order 1986(**a**) and of all other powers enabling it in that behalf, and 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 No. 2) Regulations (Northern Ireland) 1990 and shall, subject to paragraph (3), come into operation as follows—

(*a*) regulation 1 on 1st April 1990;

(*b*) regulations 2, 3 and 5 to 14, in any case to which paragraph (2) applies on 1st April 1990, and in any other case on 2nd April 1990;

(*c*) regulation 4 on 9th April 1990.

(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

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(**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

(*b*) payments by way of rates are not made together with payments of rent at weekly intervals or multiples thereof.

(3) In any case in which these regulations and the Social Security Benefits Up-rating Order (Northern Ireland) 1990(**a**) come into operation on the same day, these regulations shall come into operation immediately after that order.

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

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation)—

(*a*) after the definition of "close relative" there shall be inserted the following definition—

" "community charge benefit" means community charge benefit under Part II of the Social Security Act 1986(**c**);";

(*b*) in the definition of "lone parent" for "is not a" there shall be substituted "has no";

(*c*) after the definition of "student" there shall be inserted the following definition—

" "training allowance" means an allowance (whether by way of periodical grants or otherwise) payable—

(*a*) out of public funds by a government department or by or on behalf of the Department of Economic Development;

(*b*) to a person for his maintenance or in respect of a member of his family; and

(*c*) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, a government department or approved by such department in relation to him or so provided or approved by or on behalf of the Department of Economic Development,

but it does not include an allowance paid by any government department to, or in respect of, a person by reason of the fact that he is following a course of full-time education, other than under arrangements provided under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**d**) or made under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**e**), or is training as a teacher;".

(**a**) S.R. 1990 No. 70

(**b**) S.R. 1987 No. 461; the relevant amending rules are S.R. 1988 Nos. 186 and 424, S.R. 1989 No. 125 and S.R. 1990 Nos. 70 and 72

(**c**) 1986 c. 50; Part II was amended by Schedule 10 to the Local Government Finance Act 1988 (c. 41)

(**d**) 1945 c. 6 (N.I.); sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 (c. 4 (N.I.)) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))

(**e**) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

Amendment of regulation 3 of the principal regulations

3. In regulation 3(2)(*d*) of the principal regulations (definition of non-dependant) at the end there shall be added "and is either a co-owner of that dwelling with the claimant or his partner (whether or not there are other co-owners) or is liable with the claimant or his partner to make payments in respect of his occupation of the dwelling".

Amendment of regulation 13 of the principal regulations

4. In regulation 13(2) of the principal regulations (persons of prescribed description) at the end there shall be added "or to a person who is receiving advanced education within the meaning of regulation 12(2) of the Income Support (General) Regulations (Northern Ireland) 1987(**a**) (relevant education)".

Amendment of regulation 34 of the principal regulations

5. In regulation 34 of the principal regulations (capital treated as income) after paragraph (2) there shall be added the following paragraph—

"(3) Any earnings to the extent that they are not a payment of income shall be treated as income.".

Amendment of regulation 40 of the principal regulations

6. In regulation 40 of the principal regulations (income treated as capital) after paragraph (5) there shall be added the following paragraph—

"(6) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust or the Independent Living Fund, shall be treated as capital.".

Amendment of regulation 56 of the principal regulations

7. In regulation 56 of the principal regulations (relationship with amounts to be disregarded under Schedule 4) for "only if, and to the extent that," there shall be substituted "to the extent that"; and for "£5" there shall be substituted "£10".

Amendment of regulation 63 of the principal regulations

8. In regulation 63 of the principal regulations (non-dependant deductions)—

(*a*) in paragraph (1)(*a*) "or a boarder aged 18 or over" shall be omitted;

(*b*) in paragraph (2) "and of a boarder aged 18 or over in remunerative work" shall be omitted;

(*c*) in paragraph (6)(*b*) at the end there shall be added "in respect of himself";

(*d*) in paragraph (7), in sub-paragraphs (*b*) and (*c*) "and is not a boarder" in each of those sub-paragraphs shall be omitted;

(*e*) in paragraph (8) "Except in the case of a boarder aged 18 or over," shall be omitted.

(a) S.R. 1987 No. 459; the relevant amending regulations are S.R. 1990 No. 131

Amendment of regulation 67 of the principal regulations

9. In regulation 67 of the principal regulations (date on which benefit period is to end) for the words from ''unless'' to the end there shall be substituted—

''unless—

(*a*) the claimant is a person on income support and he ceases to be entitled when, except in cases to which sub-paragraph (*b*) refers, the benefit period will end with the last day of the benefit week in which the cessation of his entitlement takes effect in accordance with regulation 68(1) (date on which change of circumstances is to take effect);

(*b*) the claimant is a person on income support and he ceases to be entitled on account of an award of benefit under the principal Act when the benefit period will end at the end of the benefit week in which the payment of income support ceases; or

(*c*) the appropriate authority determines that some other change of circumstances has occurred which should result in the benefit period ending with an earlier week when the benefit period will end with the last day of that week.''.

Amendment of Schedule 2 to the principal regulations

10. In Schedule 2 to the principal regulations (applicable amounts)—

(*a*) in paragraph 6(1) for the words from ''either the higher pensioner premium'' to the end there shall be substituted ''any other premium which may apply under this Schedule.'';

(*b*) in paragraph 7(*b*) for ''section 1(1) of the Employment and Training Act (Northern Ireland) 1950'' there shall be substituted ''sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 1(1) of the Employment and Training Act (Northern Ireland) 1950 or for any period during which he is in receipt of a training allowance'';

(*c*) in paragraph 8 for the words from ''is a member'' to the end there shall be substituted ''is a lone parent.'';

(*d*) in paragraph 12—

(i) in sub-paragraph (1) for head (*b*) there shall be substituted the following head—

''(*b*) the circumstances of the claimant fall, and have fallen, in respect of a continuous period of not less than 28 weeks, within sub-paragraph (6) or, if he was in Great Britain for the whole or part of that period, within one or more of the comparable Great Britain provisions.'',

(ii) in sub-paragraph (5) for ''section 3 of the Employment and Training Act (Northern Ireland) 1950'' there shall be substituted ''sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 3 of the Employment and Training Act (Northern Ireland) 1950 or for any period during which he is in receipt of a training allowance'',