1989 No. 125

HOUSING; RATES

The Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 1989

Made	*31st March 1989*
Coming into operation—	
for the purposes of regulations 1, 3 and 4	*1st April 1989*
for the purposes of regulations 2, 5 to 8 and 11 to 13 to the extent that they relate to cases referred to in regulation 1(2)	*1st April 1989*
to the extent that they relate to any other case	*3rd April 1989*
for the purposes of regulations 9 and 10	*9th October 1989*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1)(*c*), (8) and (12)(*g*), 22(6)(*b*), 23(1), (8) and (9) and 30 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, 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) 1989 and shall come into operation as follows—

(*a*) regulations 1, 3 and 4, on 1st April 1989;

(*b*) regulations 2, 5 to 8 and 11 to 13 in any case to which paragraph (2)(*a*) or (*b*) applies, on 1st April 1989 and in any other case, on 3rd April 1989;

(*c*) regulations 9 and 10, on 9th October 1989.

(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.

(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

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

Amendment of regulation 3 of the principal regulations

2. In regulation 3 of the principal regulations (definition of non-dependant)—

(*a*) in paragraph (2)(*e*) for the words from "liable to make payments" to the end there shall be substituted "liable to make payments on a commercial basis to the claimant or the claimant's partner or to whom or to whose partner the claimant or the claimant's partner is liable to make payments on a commercial basis, in respect of the occupation of the dwelling;";

(*b*) in paragraph (3) "a person who normally resides with a claimant and who is a boarder or" shall be omitted;

(*c*) at the end of paragraph (4) there shall be added "but not if each person is separately liable to make payments in respect of his occupation of the dwelling to the landlord".

Amendment of regulation 11 of the principal regulations

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

(*a*) in paragraph (2) for "(3) and (4)" there shall be substituted "(3) to (4)";

(*b*) after paragraph (3) there shall be inserted the following paragraphs—

"(3A) No reduction shall be made under paragraph (2) for a period of 12 months from the date of death of any person to whom paragraph (7) applied or, had a claim been made, would have applied, if the dwelling which the claimant occupies is the same as that occupied by him at that date except where the reduction began before the death occurred.

(3B) For the purposes of paragraph (3A), a claimant shall be treated as occupying the dwelling if paragraph (8) of regulation 5 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) is satisfied and for that purpose sub-paragraph (*b*) of that paragraph shall be treated as if it were omitted.".

Amendment of regulation 12 of the principal regulations

4. In regulation 12 of the principal regulations (restrictions on rent increases)—

(*a*) at the beginning there shall be inserted "(1) Subject to paragraph (2),";

(*b*) after paragraph (1) there shall be added the following paragraphs—

"(2) No reduction shall be made under this regulation for a period of 12 months from the date of death of any person to whom regulation

(**a**) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1988 Nos. 186, 314 and 424 and S.R. 1989 No. 18

11(7) (restrictions on unreasonable payments) applied or, had a claim been made, would have applied, if the dwelling which the claimant occupies is the same as that occupied by him at that date except where the reduction began before the death occurred.

(3) For the purposes of paragraph (2), a claimant shall be treated as occupying the dwelling if paragraph (8) of regulation 5 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) is satisfied and for that purpose sub-paragraph (*b*) of that paragraph shall be treated as if it were omitted.''.

Amendment of regulation 24 of the principal regulations

5. In regulation 24(1) of the principal regulations (average weekly income other than earnings) ''or regulation 27(4) (weekly amount of charitable or voluntary payment)'' shall be omitted.

Amendment of regulation 61 of the principal regulations

6. In regulation 61 of the principal regulations (maximum housing benefit) after ''non-dependants'' there shall be inserted ''or boarders''.

Amendment of regulation 63 of the principal regulations

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

(*a*) in paragraph (1)(*a*) for ''who is in remunerative work or who is a boarder'' there shall be substituted ''in remunerative work or a boarder aged 18 or over'';

(*b*) in paragraph (2) after ''remunerative work'' there shall be inserted ''and of a boarder aged 18 or over in remunerative work''.

Amendment of Schedule 1 to the principal regulations

8. In Schedule 1 to the principal regulations (ineligible service charges) after paragraph 1A(4) there shall be added the following sub-paragraphs—

''(5) Where a charge for meals includes provision for meals for a person who is not a member of the claimant's family sub-paragraphs (2) to (4) shall apply as if that person were a member of the claimant's family.

(6) For the avoidance of doubt where the charge does not include provision for meals for a claimant or, as the case may be, a member of his family, sub-paragraphs (2) to (4) shall not apply in respect of that person.''.

Amendment of Schedule 2 to the principal regulations

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

(*a*) for paragraph 9 there shall be substituted the following paragraphs—

''*Pensioner Premium for persons under 75*

9. The condition is that the claimant—

(*a*) is a single claimant or lone parent aged not less than 60 but less than 75; or

(*b*) has a partner and is, or his partner is, aged not less than 60 but less than 75.