1988 No. 117

HOUSING; RATES

The Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 1988

Made	*31st March 1988*
Coming into operation . .	*1st April 1988*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 23(8) and (9), 30 and 52(1)(*h*) 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, 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) 1988 and shall come into operation on 1st April 1988.

(2) 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 "lone parent" there shall be inserted the following definition—

" "the Macfarlane Trust" means the charitable trust, established partly out of funds provided by the Secretary of State for Social Services to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;";

(*b*) after the definition of "polygamous marriage" there shall be inserted the following definition—

" "premises" where it appears in Schedules 4 and 5 means a dwelling, including any garage, garden or out-buildings together with any agricultural land adjoining that dwelling and any land not adjoining that dwelling which it is impracticable or unreasonable to sell separately;".

(**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**) S.R. 1987 No. 461

Amendment of regulation 27 of the principal regulations

3. In regulation 27(1) of the principal regulations (treatment of charitable or voluntary payments) after ''other than one'' there shall be inserted ''made under the Macfarlane Trust or one''.

Amendment of regulation 35 of the principal regulations

4. In regulation 35(3) of the principal regulations (notional income) after ''Any payment of income'' there shall be inserted '', other than a payment of income made under the Macfarlane Trust,''.

Amendment of regulation 43 of the principal regulations

5. In regulation 43(3) of the principal regulations (notional capital) after ''Any payment of capital'' there shall be inserted '', other than a payment of capital made under the Macfarlane Trust,''.

Amendment of regulation 44 of the principal regulations

6. In regulation 44(2) of the principal regulations (capital jointly held) after ''Any premises'' there shall be inserted ''or land''.

Amendment of regulation 73 of the principal regulations

7. In regulation 73(1) of the principal regulations (evidence and information) at the end there shall be added ''but nothing in this regulation shall require a person to furnish any certificates, documents, information or evidence relating to a payment which is disregarded under paragraph 37 of Schedule 4 or paragraph 23 of Schedule 5 (payments made under the Macfarlane Trust)''.

Amendment of regulation 77 of the principal regulations

8. In regulation 77 of the principal regulations (notification of determinations)—

(*a*) the existing provision shall be numbered as paragraph (1);

(*b*) after ''every notification shall'' there shall be inserted '', subject to paragraph (2),'';

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

''(2) Where the determination is made on or before 30th June 1988, the notification may, notwithstanding Schedule 6, include a statement only as to the matters set out in paragraphs 2, 3, 4, 6, 9(*e*), (*g*) and (*i*) and 11 of that Schedule but an authority, if it thinks fit, may include a statement as to any other matter prescribed in that Schedule.

(3) Where a notification is given in accordance with paragraph (2) a person may request in writing the authority to provide a written statement on any matter prescribed in Schedule 6 which is not included in the notification and the authority shall send a written statement to the person requiring it within 14 days or as soon as reasonably practicable thereafter.''.

Amendment of Schedule 4 to the principal regulations

9. In Schedule 4 to the principal regulations (sums to be disregarded in the calculation of income other than earnings)—