1986 No. 239

HOUSING; RATES

The Housing Benefits (Amendment No. 4) Regulations (Northern Ireland) 1986

Made	*24th July 1986*
Coming into operation . . .	*28th July 1986*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 3(2) of the Housing Benefits (Northern Ireland) Order 1983(**a**) and acting jointly with the Department of the Environment, in exercise of the powers conferred on them by Article 3(1) of that Order, in each case with the consent of the Department of Finance and Personnel, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Housing Benefits (Amendment No. 4) Regulations (Northern Ireland) 1986 and shall come into operation on 28th July 1986.

(2) In these regulations "the principal regulations" means the Housing Benefits Regulations (Northern Ireland) 1985(**b**).

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with the following provisions.

(2) In regulation 5(2) (eligibility for rate rebate)—

(*a*) in sub-paragraph (*a*) "and" shall be omitted;

(*b*) in sub-paragraph (*b*) for "that housing expenditure." there shall be substituted "that housing expenditure; and"; and

(*c*) after sub-paragraph (*b*) there shall be inserted the following sub-paragraph—

"(*c*) a person is not eligible for a rate rebate in respect of accommodation provided under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(**c**) (provision of services including residential accommodation).".

(3) In regulation 6 (eligibility for rent rebate)—

(*a*) for paragraph (3) there shall be substituted the following paragraph—

"(3) Notwithstanding paragraph (1)—

(*a*) subject to regulation 8(1), a boarder on supplementary benefit is not eligible for a rent rebate in respect of a dwelling at which he boards; and

(*b*) a person is not eligible for a rent rebate in respect of accommodation provided under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972.".

(**a**) S.I. 1983/1121 (N.I. 14)
(**b**) S.R. 1985 No. 282, to which there are amendments not relevant to the subject matter of these regulations
(**c**) S.I. 1972/1265 (N.I. 14)

(4) In regulation 7(3) (eligibility for rent allowance)—

(*a*) in sub-paragraph (*a*) "and" shall be omitted;

(*b*) in sub-paragraph (*b*) for "that housing expenditure." there shall be substituted "that housing expenditure; and"; and

(*c*) after sub-paragraph (*b*) there shall be inserted the following sub-paragraph—

"(*c*) a person is not eligible for a rent allowance in respect of accommodation provided under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972.".

(5) In regulation 20 (deductions for non-dependants)—

(*a*) in paragraph (1), for "paragraphs (3) to (13)" there shall be substituted "paragraphs (2A) to (13)"; and for sub-paragraph (*b*) there shall be substituted the following sub-paragraphs—

"(*b*) for each person aged under 25 in receipt of supplementary benefit in respect of whom a deduction was made immediately before 28th July 1986 under the provision of sub-paragraph (*b*) as then in operation, £1·10;

(*c*) for each person aged 25 or more in receipt of supplementary benefit, £1·10.";

(*b*) in paragraph (2), for "paragraphs (3) to (13)" there shall be substituted "paragraphs (2A) to (13)"; and for sub-paragraph (*b*) there shall be substituted the following sub-paragraphs—

"(*b*) for each person aged under 25 in receipt of supplementary benefit in respect of whom a deduction was made immediately before 28th July 1986 under the provision of sub-paragraph (*b*) as then in operation, £2·80;

(*c*) for each person aged 25 or more in receipt of supplementary benefit, £2·80."; and

(*c*) after paragraph (2) there shall be inserted the following paragraph—

"(2A) A deduction shall cease to be made under paragraph (1)(*b*) or, as the case may be, paragraph (2)(*b*) if, at any time on or after 28th July 1986—

(*a*) the beneficiary ceases to be entitled to a rate rebate or, as the case may be, a rent rebate or allowance; or

(*b*) the person in respect of whom the deduction was made ceases to be—

(i) in receipt of supplementary benefit, or

(ii) a member of the household,

or, in the case of a person who, immediately before that date, was a boarder in receipt of supplementary benefit in the household, ceases to be such a boarder.".

(6) In Schedule 2 (amounts to be disregarded when ascertaining weekly income for any housing benefit), after paragraph 4 there shall be inserted the following paragraph—

"4A. Where a person receives income under an annuity purchased with a loan which satisfies the following conditions—

(*a*) that the loan was made as part of a scheme under which not less than 90% of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as "the annuitants") who include the person to whom the loan was made;

(*b*) that the interest on the loan is payable by the person to whom it was made or by one of the annuitants;