1985 No. 282

HOUSING; RATES

The Housing Benefits Regulations (Northern Ireland) 1985

Made . . . . . *17th October 1985*

Coming into operation . . . *2nd December 1985*

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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:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Housing Benefits Regulations (Northern Ireland) 1985 and shall come into operation on 2nd December 1985.

Interpretation

2.—(1) In these regulations—

"the 1983 Order" means the Housing Benefits (Northern Ireland) Order 1983;

"advanced education" means full-time education by attendance at an educational establishment for the purposes of—

(*a*) a course in preparation for a degree, a diploma of higher education, a higher national diploma, a higher diploma of the Technician Education

(a) S.I. 1983/1121 (N.I. 14)

Council, a higher national diploma of the Business Education Council or a teaching qualification; or

(*b*) any other course which the Department considers to be a course of a standard above ordinary national diploma, a diploma of the Technician Education Council, a national diploma of the Business Education Council or general certificate of education (advanced level);

"beneficiary" means a person to whom a housing benefit has been granted;

"benefit day" is to be construed in accordance with regulation 29(1);

"benefit period" means the period for which a housing benefit is granted;

"boarder on supplementary benefit" means a boarder within the meaning of regulation 9(10) and (11) of the Requirements Regulations who is in receipt of, or has claimed and is entitled to, supplementary benefit;

"certificated case" means a case in which a certificate has been issued by the Department under regulation 9(1);

"dependent child" means a person who resides in the dwelling occupied by the eligible person and whose requirements are provided for, in whole or in part, by the eligible person or his partner, or wholly by means of maintenance payments payable to him, and who is—

(*a*) under the age of sixteen;

(*b*) aged sixteen or over but under the age of twenty and receiving full-time education at a school, college or other similar educational establishment, other than advanced education; or

(*c*) a person in respect of whom child benefit is paid or is payable under the Child Benefit (Northern Ireland) Order 1975(**a**);

"eligible person", except as provided by regulation 26(2), means a person eligible for a housing benefit;

"eligible rates" means the amount of payments by way of rates which may be met by a rate rebate;

"eligible rent" means the amount of rent which may be met by a rent rebate or a rent allowance;

"fuel" includes gas and electricity and a reference to a charge for, or an amount payable for, fuel includes a reference to a charge for, or, as the case may be, an amount payable for, the facility of providing it;

"grant-aided student" means a person for the time being in receipt, in respect of his attendance at a course at an establishment in the United Kingdom, or undergoing education in the United Kingdom, of an award or grant of any of the classes specified in Part I of Schedule 1;

"Health and Social Services Board" means a Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**b**);

"hereditament" has the meaning assigned by virtue of Article 2(2) of the Rates (Northern Ireland) Order 1977(**c**);

"housing association" has the meaning assigned by Article 114 of the Housing (Northern Ireland) Order 1981(**d**);

"industrial disablement pension" means any weekly payment of disablement pension under the Social Security (Northern Ireland) Act 1975(**e**);

(**a**) S.I. 1975/1504 (N.I. 16)
(**b**) S.I. 1972/1265 (N.I. 14)
(**c**) S.I. 1977/2157 (N.I. 28); in Article 2(2) the definition of "rate" was amended by Article 3(2)(*a*) of the Rates (Amendment) (Northern Ireland) Order 1983 (S.I. 1983/421 (N.I. 7))
(**d**) S.I. 1981/156 (N.I. 3)
(**e**) 1975 c. 15

"married couple" means a man and woman who are married to each other and are members of the same household;

"non-dependant" means, in relation to an eligible person,—

(*a*) a member of his household other than his partner or a dependent child of his or of his partner, or

(*b*) a person occupying his dwelling who makes payments to him which include a charge in respect of board, where that charge forms a substantial proportion of those payments,

but does not, except where sub-paragraph (*b*) of this definition applies, include a person paying rent under a tenancy or similar agreement;

"old cases allowance" means a weekly payment made under regulations having effect by virtue of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**a**);

"owner" means the person who, otherwise than as a mortgagee in possession, is for the time being entitled to dispose of the fee simple of any hereditaments;

"partner" means one of a married or an unmarried couple;

"pensionable age" means in the case of a man, 65 and in the case of a woman, 60;

"qualifying supplementary benefit" means supplementary pension or allowance under Article 3 of the Supplementary Benefits (Northern Ireland) Order 1977(**b**) which is payable in respect of a person who under regulation 14(3), (4), (4A), (5) and (6) of the Requirements Regulations would be treated as responsible for, and be allowed an amount in respect of, housing benefit expenditure (as defined in regulation 2(1) of those regulations) if such expenditure were an item to which housing requirements related for the purposes of those regulations, except any such pension or allowance—

(*a*) which is payable in accordance with that Order as modified by virtue of Article 6 of that Order for the period to which regulation 5(3)(*a*) of the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981(**c**) applies;

(*b*) which is payable because, in the determination of requirements, an amount is applicable under regulation 19A of the Requirements Regulations (housing benefit supplement);

"rent" includes the following periodical sums payable in respect of a dwelling—

(*a*) payments in respect of a licence or permission to occupy a dwelling;

(*b*) payments for services performed or facilities (including the use of furniture) provided for, or rights made available to, the occupier of a dwelling, whether or not made under the same agreement as that under which the dwelling is occupied, but only in each case where the right to occupation depends, or depended when the dwelling was first occupied by that occupier, upon agreement to make such payments;

(*c*) payments by way of mesne profits or payments which are considered analogous to rent;

(*d*) payments in respect of or in consequence of use and occupation of a dwelling;

(*e*) mooring charges payable for a houseboat;

(*f*) where a dwelling is a caravan or mobile home, payments in respect of the site on which it stands; and

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(a) 1975 c. 17

(b) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(c) S.R. 1981 No. 372; to which there are amendments not relevant to the subject matter of these regulations