**1984 No. 450**

**HOUSING; RATES**

# The Housing Benefits (Amendment No. 4) Regulations (Northern Ireland) 1984

*Made . . . . . 28th December 1984*

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

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 which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**b**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Housing Benefits (Amendment No. 4) Regulations (Northern Ireland) 1984 and shall come into operation on 2nd January 1985.

(2) In these regulations "the principal regulations" means the Housing Benefits Regulations (Northern Ireland) 1983(**c**).

*Amendment of regulation 2 of the principal regulations*

**2.** In regulation 2(1) of the principal regulations (interpretation) in the definition of "rent", after sub-paragraph (*c*) there shall be inserted the following sub-paragraph—

"(*cc*) payments in respect of or in consequence of use and occupation of a dwelling,".

*Amendment of regulation 5 of the principal regulations*

**3.** In regulation 5 of the principal regulations (eligibility for rate rebate) for paragraph (2) there shall be substituted the following paragraph—

"(2) Notwithstanding paragraph (1)—

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

(*b*) a person who is entitled to supplementary benefit but who is not treated under sub-paragraph (*a*) of regulation 14(3) of the Requirements Regulations as responsible for housing expenditure is not eligible for a rate rebate in respect of that housing expenditure.".

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(**a**) S.I. 1983/1121 (N.I. 14)
(**b**) 1980 c. 30
(**c**) S.R. 1983 No. 292; the relevant amending regulations are S.R. 1984 Nos. 77 and 280

*Amendment of regulation 7 of the principal regulations*

**4.** In regulation 7 of the principal regulations (eligibility for rent allowance) 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 allowance in respect of a dwelling at which he boards; and

(*b*) a person who is entitled to supplementary benefit but who is not treated under sub-paragraph (*a*) of regulation 14(3) of the Requirements Regulations as responsible for housing expenditure is not eligible for a rent allowance in respect of that housing expenditure.".

*Amendment of regulation 11 of the principal regulations*

**5.** In regulation 11 of the principal regulations (joint occupiers)—

(*a*) in paragraph (1) for "paragraph (2)" there shall be substituted "paragraphs (2) and (3)";

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

"(3) If a joint occupier of his dwelling was, at any time during the period of eight weeks prior to the creation of the joint tenancy or other agreement giving rise to the joint liability to pay rent or, as the case may be, to make payments by way of rates, a non-dependant of one or more of the other joint occupiers of that dwelling, he shall not be eligible for housing benefit in respect of that dwelling unless the appropriate authority is satisfied that that joint tenancy or other agreement was not created to take advantage of the rate rebate scheme, the rent rebate scheme or the rent allowance scheme, as the case may be.".

*Amendment of regulation 18 of the principal regulations*

**6.** In regulation 18 of the principal regulations (deductions for non-dependants) after paragraph (3) there shall be inserted the following paragraph—

"(3A) For the purposes of this regulation, where a person who is a joint occupier of his dwelling is not eligible for a housing benefit by virtue of regulation 11(3), he shall be treated as a non-dependant in respect of whom a deduction falls to be made in calculating any housing benefit payable to any of the other joint occupiers of that dwelling.".

*Substitution of regulation 22 of the principal regulations*

**7.** For regulation 22 of the principal regulations (disentitlement to rent allowance and rate rebate) there shall be substituted the following regulation—

"*Disentitlement to rent allowance and rate rebate*

**22.**—(1) A person shall not be entitled to a rent allowance or, as the case may be, a rate rebate where it appears to the appropriate authority that the tenancy or other agreement to pay rent or, as the case may be, to make payments by way of rates was created to take advantage of the rent allowance scheme, or insofar as the tenancy or other agreement relates to payments by way of rates, the rate rebate scheme, so however that this provision shall not apply to a person who was, for any period within the eight weeks prior to the creation of the tenancy or other agreement to pay rent or, as the case may be, to make payments by way of rates, otherwise liable to pay rent in respect of the same dwelling.

(2) A person shall not be entitled to a rent allowance or, as the case may be, a rate rebate where—

(*a*) he resides with the person to whom he is liable to pay rent or, as the case may be, to make payments by way of rates in respect of the dwelling; and