1984 No. 77

HOUSING; RATES

The Housing Benefits (Amendment) Regulations (Northern Ireland) 1984

Made . . . . . *12th March 1984*

Coming into operation . . . *1st April 1984*

The Department of Health and Social Services for Northern Ireland and the Department of the Environment for Northern Ireland acting jointly, in exercise of the powers conferred on them by Article 3(1) of the Housing Benefits (Northern Ireland) Order 1983(**a**), and the Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Article 3(2) of that Order, in each case with the consent of the Department of Finance and Personnel for Northern Ireland, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations which satisfy the requirements of Article 7(7) of the said Order of 1983 and which accordingly are not subject to the requirement of section 10(1) of the Social Security Act 1980(**b**) 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) Regulations (Northern Ireland) 1984 and shall come into operation on 1st April 1984.

(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.—(1) Regulation 2 of the principal regulations (interpretation) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1)—

(*a*) after the definition of "beneficiary" there shall be inserted the following definition—

" 'benefit day' is to be construed in accordance with regulation 25A(1);";

(*b*) in the definition of "boarder on supplementary benefit" after "regulation 9(10)" there shall be added "and (11)";

(*c*) in the definition of "fuel" after "electricity" there shall be added "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";

(*d*) in the definition of "qualifying supplementary benefit" for "for the purposes of the Requirements Regulations is responsible for housing expenditure" there shall be substituted, "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";

(a) S.I. 1983/1121 (N.I. 14)
(b) 1980 c. 30
(c) S.R. 1983 No. 292

(*e*) after the definition of "rent" there shall be inserted the following definition—

" 'rent-free period' means a period for which no rent is payable;";

(3) In paragraph (4)(*a*) after "the Executive", where it last appears, there shall be inserted "or to the Department of the Environment".

(4) In paragraph (5), for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

"(*a*) any structure or space which is used for the purposes of an eligible person's dwelling where either—

(i) he acquired simultaneously the right to occupy the structure or space and the right to occupy the dwelling, and, in the case of a person liable to make payments of rent for his dwelling, he could not have rented that dwelling without the structure or space, or

(ii) he has made or is making all reasonable efforts to terminate his liability to make payments in respect of the structure or space;".

(5) For paragraph (6) there shall be substituted the following paragraph—

"(6) References in these regulations to 'weekly income', 'weekly eligible rates' and 'weekly eligible rent' are to the weekly amounts which represent, respectively, income, eligible rates and eligible rent as converted where appropriate in accordance with regulation 12A.".

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), but 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.".

Amendment of regulation 6 of the principal regulations

4. In regulation 6 of the principal regulations (eligibility for rent rebate) for paragraph (3) there shall be substituted the following paragraph—

"(3) Notwithstanding paragraph (1), but 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.".

Amendment of regulation 7 of the principal regulations

5. 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), but 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.".

Amendment of regulation 8 of the principal regulations

6. In regulation 8 of the principal regulations (eligibility for boarders on supplementary benefit) paragraphs (2) and (4) shall be omitted.

Amendment of regulation 9 of the principal regulations

7. In regulation 9 of the principal regulations (persons on supplementary benefit) for paragraph (7) there shall be substituted the following paragraph—

"(7) In paragraph (1) 'ineligible person' means, in respect of a dwelling, a person who—

(*a*) in relation to a rate rebate for that dwelling would not be eligible under regulation 5 by virtue of regulation 5(2);

(*b*) in relation to a rent rebate for that dwelling would not be eligible under regulation 6 by virtue of regulation 6(2) or (3);

(*c*) in relation to a rent allowance for that dwelling would not be eligible under regulation 7 by virtue of regulation 7(2) or (3);

(*d*) in relation to any housing benefit for that dwelling is a person to whom regulation 8(1) or (3) applies.".

Insertion of regulation 12A in the principal regulations

8. After regulation 12 of the principal regulations there shall be inserted the following regulation—

"*Conversion to weekly amounts*

12A.—(1) Any amount which is payable or calculated otherwise than weekly or which, though normally payable weekly, is not payable in every week of the year shall be converted for the purposes of these regulations into the weekly sum which represents it, and in a case to which paragraph (2) or (3) applies shall be converted in accordance with such of those paragraphs as is applicable.

(2) For the purposes of calculating weekly eligible rent where there is a rent-free period in a year the aggregate amount of rent payable in a year shall be divided by 52 or 53, whichever the Executive considers reasonable in the circumstances.

(3) For the purposes of calculating weekly eligible rates where there is a rent-free period in a year and payments by way of rates are made together with rent, paragraph (2) shall apply to the payments by way of rates as it applies to the rent.".

Amendment of regulation 15 of the principal regulations

9. In regulation 15 of the principal regulations (eligible rates)—

(*a*) in paragraph (2) the words "during the benefit period" and "in relation to that period" shall be omitted;

(*b*) in paragraph (3) the words "during the benefit period" shall be omitted; and

(*c*) paragraph (7) (payments outside the benefit period) shall be omitted.

Amendment of regulation 16 of the principal regulations

10. In regulation 16 of the principal regulations (eligible rent)—

(*a*) in paragraph (2) the words "during the benefit period" shall be omitted;

(*b*) after paragraph (4) there shall be inserted the following paragraph—

"(4A) Where a single payment has been made to a person or his partner under regulation 21A of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(**a**) (rent in advance) the eligible rent for the dwelling in respect of which it was made shall be abated by the amount of the single payment.";

(*c*) in paragraph (5) for "the eligible rent" there shall be substituted "and the rent recoverable from a person is limited to the rent so registered, his eligible rent"; and

(*d*) paragraph (8) (payments outside the benefit period) shall be omitted.

(a) S.R. 1981 No. 369, as amended by S.R. 1983 No. 290

Amendment of regulation 17 of the principal regulations

11.—(1) Regulation 17 of the principal regulations (unsuitable accommodation) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1)—

(*a*) in sub-paragraph (*b*) for "because it is located in an unnecessarily expensive area" there shall be substituted "by comparison with the rates payable for suitable alternative accommodation"; and

(*b*) in sub-paragraph (*c*) for "similar dwellings occupied under comparable terms" there shall be substituted "suitable alternative accommodation."

(3) After paragraph (3) there shall be added the following paragraph—

"(4) In relation to a dwelling occupied with security of tenure, other accommodation shall not be treated as suitable alternative accommodation for the purposes of this regulation unless that accommodation will be occupied on terms which will afford security of tenure reasonably equivalent to that under which that dwelling is occupied.".

Amendment of regulation 18 of the principal regulations

12.—(1) Regulation 18 of the principal regulations (deductions for non-dependants) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1)(*b*) and (2)(*b*) for "18" there shall be substituted "21".

(3) In paragraph (4) for "made only in respect of one eligible person, being such one as the appropriate authority may determine" there shall be substituted "apportioned having regard to all the circumstances, in particular the number of eligible persons and the proportion of rates or, as the case may be, rent paid by each such person".

(4) After paragraph (6) there shall be inserted the following paragraphs—

"(6A) Where, in a case other than a certificated case, the eligible person or his partner is a handicapped person and a non-dependant of the eligible person provides assistance with domestic tasks which neither the eligible person nor his partner is able to perform, no deduction shall be made in respect of that non-dependant unless that non-dependant is a parent, son, daughter, step-son, step-daughter, brother or sister of the eligible person or his partner.

(6B) No deduction shall be made in respect of a non-dependant who is in receipt of a training allowance paid by the Department of Economic Development in connection with a Youth Training Programme established under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**a**)."

(5) In paragraph (8) for "18" there shall be substituted "21".

(6) In paragraph (9) after sub-paragraph (*b*) there shall be inserted the following sub-paragraph—

"(*c*) 'handicapped person' in paragraph (6A) has the meaning assigned to it by regulation 13(4).".

Amendment of regulation 19 of the principal regulations

13. In regulation 19 of the principal regulations (calculation of benefit)—

(*a*) in paragraph (1) before "amount" there shall be inserted "weekly" and the words "for each week" shall be omitted;

(*b*) in paragraph (4) before "amount" there shall be inserted "weekly" and the words "each week" shall be omitted;

(a) 1950 c. 29 (N.I.)

(*c*) in paragraphs (5) and (6) before "amount", where it first occurs in each case, there shall be inserted "weekly" and the words "each week" shall be omitted; and

(*d*) after paragraph (6) there shall be inserted the following paragraph—

"(6A) Where a person has a rent-free period—

(*a*) the amount of rent rebate or rent allowance to which he is entitled; and

(*b*) if sums by way of rates are payable together with his rent, the amount of rate rebate to which he is entitled,

is the amount ascertained under the preceding paragraphs multiplied by 52 or by 53 (being that by which the rent is divided under regulation 12A(2)) and divided by the number of weeks in a year for which rent is payable.".

Amendment of regulation 21 of the principal regulations

14. In regulation 21 of the principal regulations (persons in receipt of supplementary benefit)—

(*a*) in paragraph (1)(*a*)—

(i) before "amount", where it first occurs, there shall be inserted "weekly",

(ii) the words "each week" shall be omitted, and

(iii) for "paragraphs (2) to (4)" there shall be substituted "paragraphs (1A) to (3)";

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

"(1A) Where a person has a rent-free period—

(*a*) the amount of rent rebate or rent allowance to which he is entitled; and

(*b*) if sums by way of rates are payable together with his rent, the amount of rate rebate to which he is entitled,

is the amount assessed under paragraph (1) multiplied by 52 or by 53 (being that by which the rent is divided under regulation 12A(2)) and divided by the number of weeks in a year for which rent is payable."; and

(*c*) paragraph (4) (single payments of supplementary benefit for rent in advance) and paragraph (5) (benefit period of less than seven days) shall be omitted.

Amendment of regulation 24 of the principal regulations

15. In regulation 24 of the principal regulations (beginning of benefit period) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Where in a certificated case the eligible person was entitled to supplementary benefit for a period including the day before the date referred to in paragraph (1)(*b*), the appropriate authority may allow his benefit period to begin on a date which is six days or less earlier than that referred to in paragraph (1)(*b*).".

Insertion of regulation 25A in the principal regulations

16. After regulation 25 of the principal regulations there shall be inserted the following regulation—

"*Days of entitlement to housing benefits*

25A.—(1) The appropriate authority shall determine the day of the week (in these regulations referred to as the 'benefit day') upon which an eligible person's entitlement to a housing benefit shall accrue in a benefit period, which may be any such day that it considers appropriate in the circumstances.