1984 No. 2

HOUSING

Housing (Right to Buy) (Mortgage Limit) Regulations (Northern Ireland) 1984

Made	*9th January 1984*
Coming into operation . . .	*9th February 1984*

The Department of the Environment in exercise of the powers conferred on it by Article 13(4) of the Housing (Northern Ireland) Order 1983(a) and of every other power enabling it in that behalf hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Housing (Right to Buy) (Mortgage Limit) Regulations (Northern Ireland) 1984 and shall come into operation on 9th February 1984.

(2) In these regulations—

"admissible source" means a source of income of the tenant which is to be taken into account for the purposes of these regulations;

"tenant" means a person to whom the right to buy belongs under Chapter I of Part II of the Housing (Northern Ireland) Order 1983 and who is entitled to leave outstanding an amount of the purchase price on the security of a first mortgage to the Northern Ireland Housing Executive; and

"the Order" means the Housing (Northern Ireland) Order 1983.

Available annual income

2. The amount to be taken into account as the tenant's available annual income under Article 13 of the Order (which deals with the amount to be secured by mortgage) is to be calculated by taking the amount which in accordance with regulations 3 to 6 is to be taken into account as his annual income and deducting from it in accordance with regulation 7 sums related to his commitments.

Income from employment

3.—(1) This regulation applies to income from an employment.

(2) The amount to be taken into account as income to which this regulation applies is the tenant's current annual pay, namely his current pay expressed as an annual amount or, where that amount does not fairly represent his current annual pay, such amount as does.

(3) In this regulation—

"employment" includes a part-time employment and an office but does not include a casual or temporary employment; and

"pay" includes any commission, bonus, allowance (but not an expense allowance), tip, gratuity, or other payment made to the tenant in connection with his employment but does not include any benefit in kind; and references to pay are references to it before any statutory or other deduction has been made.

(a) S.I. 1983/1118 (N.I. 15)

Income from a business

4.—(1) This regulation applies to income from a business carried on by the tenant (whether or not with any other person).

(2) The amount to be taken into account as the tenant's annual income from the business is an amount which, having regard to the latest available information, fairly represents the current annual net profit of the business or, if the tenant shares the net profit with any other person, his share of the net profit.

(3) In this regulation "business" includes any trade, profession or vocation.

Other income

5.—(1) This regulation applies to income from a source to which regulations 3 and 4 do not apply.

(2) No account shall be taken of state benefits other than the benefits under—

(*a*) sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966(**a**) (graduated retirement benefits);

(*b*) Articles 10, 17 and 18 of the Social Security Pensions (Northern Ireland) Order 1975(**b**) (widower's retirement pensions, widow's and widower's invalidity pensions); and

(*c*) the following provisions of the Social Security (Northern Ireland) Act 1975(**c**) to the extent that they relate to any benefit by way of pension or other periodical payments—

sections 15, 16 and 36 (invalidity benefits);
sections 24 to 26 (widow's benefits);
sections 28, 29, 39 and 40 (retirement pensions);
section 57(1) (disability benefits);
sections 67(1), 69, 70, 71(1) and 72(1) (industrial death benefits); and
section 76 (industrial diseases benefits).

(3) The amount to be taken into account as the tenant's annual income from a source to which this regulation applies, which is not excluded from account by paragraph (2), is an amount which before any statutory or other deduction represents the tenant's current income from that source expressed as an annual amount.

(4) In this regulation "state benefits" means any benefits under the National Insurance Act (Northern Ireland) 1966, the Family Income Supplements Act (Northern Ireland) 1971(**d**), the Social Security Pensions (Northern Ireland) Order 1975, the Social Security (Northern Ireland) Acts 1975 to 1982(**e**), the Child Benefit (Northern Ireland) Order 1975(**f**) and the Supplementary Benefits (Northern Ireland) Order 1977(**g**).

(**a**) 1966 c. 6 (N.I.) as continued in force by regulation 2 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978 (S.R. 1978 No. 105)
(**b**) S.I. 1975/1503 (N.I. 15)
(**c**) 1975 c. 15
(**d**) 1971 c. 8 (N.I.)
(**e**) 1975 c. 15, S.I. 1977/610 (N.I. 11), S.I. 1979/396 (N.I. 15), S.I. 1980/870 (N.I. 8), S.I. 1981/1118 (N.I. 25), S.I. 1982/1084 (N.I. 16)
(**f**) S.I. 1975/1504 (N.I. 16)
(**g**) S.I. 1977/2156 (N.I. 27), (other than Articles 1, 42 and Schedules 4 to 7), with certain amendments is set out in Part II of Schedule 2 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) and has been subsequently amended by S.I. 1980/1087 (N.I. 13), S.I. 1981/1118 (N.I. 25), S.I. 1982/1084 (N.I. 16) and S.I. 1983/1121 (N.I. 14)