1983 No. 350

HOUSING; RATES

The Housing Benefits (Transitional) Regulations (Northern Ireland) 1983

Made . . . . . *3rd November 1983*

Coming into operation . . . *21st November 1983*

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 and commencement

1. These regulations may be cited as the Housing Benefits (Transitional) Regulations (Northern Ireland) 1983 and shall come into operation on 21st November 1983.

Interpretation

2.—(1) In these regulations—

(*a*) ''old scheme'' means a scheme under any of the enactments repealed by Article 9(2) of, and Schedule 2 to, the Housing Benefits (Northern Ireland) Order 1983;

''the principal regulations'' means the Housing Benefits Regulations (Northern Ireland) 1983(**c**);

''relevant date'' means, in relation to a person's housing benefit, 21st November 1983.

(*b*) expressions used to which a meaning is assigned by regulation 2 of the principal regulations bear the meaning so assigned.

(2) A determination under these regulations shall be treated for the purposes of regulations 45 to 50 of the principal regulations as if it were a determination under those regulations.

Persons in receipt of rebates or allowances under repealed legislation

3.—(1) Unless the appropriate authority otherwise requires, an eligible person who immediately before the relevant date is in receipt under an old scheme of a rebate or allowance shall not be required to make a claim to the appropriate authority for the corresponding rebate or allowance under the principal regulations, and the following paragraphs of this regulation shall have effect in relation to him until the end of his benefit period under paragraph (3) of this regulation.

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

(2) The appropriate authority shall determine the amount of housing benefit (if any) to which the eligible person is entitled and may for that purpose require him to furnish such information and such evidence as it may reasonably require relating to any of the matters specified in regulation 27(2) of the principal regulations.

(3) Where this regulation applies to an eligible person and he is entitled to an amount of housing benefit under the principal regulations, his benefit period shall end on the date on which his rebate or allowance period would have ended under the corresponding old scheme had it remained in force, or such earlier date as the appropriate authority may determine.

Claims for rebate or allowance under repealed legislation

4.—(1) An application for a rebate or allowance under an old scheme made, but not determined, before the relevant date shall be treated as respects any period after that date as a claim for the corresponding rebate or allowance under the principal regulations.

(2) Where an application is made by a person to an authority for a rebate or allowance under an old scheme, and—

(*a*) that person is not entitled to a rebate or allowance under that old scheme; and

(*b*) the appropriate authority considers that that person may be entitled to an amount of housing benefit from the relevant date,

the appropriate authority may treat the application as a claim for housing benefit from the relevant date.

Beginning of benefit period

5.—(1) Where, under regulation 24(2) of the principal regulations (which provide that a benefit period may begin before the date of a claim), a person's benefit period would (if the principal regulations had then had effect in relation to him) have been allowed to begin on a date before the relevant date he may, subject to paragraph (2) of this regulation, be granted the amount of housing benefit to which he would have been entitled if his benefit period had been allowed to begin on that earlier date and the principal regulations had then had effect in relation to him.

(2) For the purposes of calculating the amount of housing benefit under paragraph (1) of this regulation in a case to which regulation 24(2)(*b*) of the principal regulations (benefit period to begin up to twelve months before date of claim) applies, regulation 24(3) shall have effect in relation to any period before the relevant date as though for the reference to the amount of a housing benefit to which a person would have been entitled there were substituted a reference to the amount of the corresponding rebate or allowance to which he would have been entitled under an old scheme.

Persons awarded supplementary benefit for housing benefit expenditure

6.—(1) Where an eligible person is entitled to qualifying supplementary benefit and—

(*a*) in the assessment of his requirements for the purposes of the award of that benefit there were determined as being applicable to him items which, on or after the relevant date, are no longer prescribed in relation to him as housing benefit expenditure by the Requirements Regulations; and

(*b*) the Department pays to the eligible person an amount equal to the amount of that award,

a certificate need not be issued under regulation 9 of the principal regulations in respect of that person until such time as that award is reviewed and revised by a benefit officer.

(2) Where the provisions of paragraph (1) apply and an award of supplementary benefit is revised by a benefit officer any certificate issued under regulation 9 of the