1983 No. 292

HOUSING; RATES

The Housing Benefits Regulations (Northern Ireland) 1983

Made . . . . . 22nd September 1983

Coming into operation . . . 21st November 1983

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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:

PART I

GENERAL

Citation and commencement

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

Interpretation

2.—(1) In these regulations—

"the 1982 Order" means the Social Security (Northern Ireland) Order 1982(**c**);

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

(*b*) any other course which is certified by the Department as being 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 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) 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);

(**a**) S.I. 1983/1121 (N.I. 14)
(**b**) 1980 c. 30
(**c**) S.I. 1982/1084 (N.I. 16)

"the Department" means the Department of Health and Social Services for Northern Ireland;

"the Department of the Environment" means the Department of the Environment for Northern Ireland;

"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 either—

(*a*) under the age of sixteen, or

(*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 23(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;

"Executive" means the Northern Ireland Housing Executive;

"fuel" includes gas and electricity;

"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**);

"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(**f**);

(a) S.I. 1975/1504 (N.I. 16)
(b) S.I. 1972/1265 (N.I. 14)
(c) S.I. 1977/2157 (N.I. 28)
(d) S.I. 1981/156 (N.I. 3)
(e) 1975 c. 15
(f) 1975 c. 17

"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(**a**) which is payable in respect of a person who for the purposes of the Requirements Regulations is responsible for housing expenditure, 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(**b**) applies,

(*b*) for the purposes of ascertaining which a requirement is applicable under regulation 19A of the Requirements Regulations;

"rates" has the same meaning as in Article 2(2) of the Rates (Northern Ireland) Order 1977;

"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*) mooring charges payable for a houseboat,

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

(*f*) payments under a rental purchase agreement, that is to say an agreement under which a dwelling is being acquired through payments for a fixed period of sums which include a capital element attributable to the landlord's interest in the dwelling;

"Requirements Regulations" means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983(**c**);

"supplementary benefit" means supplementary pension or allowance under Article 3 of the Supplementary Benefits (Northern Ireland) Order 1977;

"supplementary benefit assessment unit" means an assessment unit as defined in regulation 2 of the Requirements Regulations;

"unmarried couple" means a man and a woman who are not married to each other but are living together as husband and wife as members of the same household;

"war disablement pension" means—

(*a*) any pension or other benefit such as is referred to in section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(**d**) which is

(**a**) S.I. 1977/2156 (N.I. 27), as amended by S.I. 1980/870 (N.I. 8)
(**b**) S.R. 1981 No. 372, as amended by S.R. 1983 No. 290
(**c**) S.R. 1983 No. 61, as amended by S.R. 1983 No. 291
(**d**) 1977 c. 5