1983 No. 290

SOCIAL SECURITY

The Supplementary Benefit (Housing Benefits) (Miscellaneous Consequential Amendments) Regulations (Northern Ireland) 1983

Made . . . . . *22nd September 1983*

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

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 5(1), 6, 13(2) and 19(1) and (2) of, and paragraph 4 of Schedule 1 to, the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and Article 8(1) of the Housing Benefits (Northern Ireland) Order 1983(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations which satisfy the requirements of Article 7(7) of the Housing Benefits (Northern Ireland) Order 1983 and which accordingly are not subject to the requirement of section 10(1) of the Social Security Act 1980(**c**) for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

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

(2) In these regulations—

"Claims and Payments Regulations" means the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981(**d**);

"Determination of Questions Regulations" means the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(**e**);

"Single Payments Regulations" means the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(**f**);

"Trade Disputes Regulations" means the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(**g**);

"Urgent Cases Regulations" means the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981(**h**).

Amendment of the Claims and Payments Regulations

2.—(1) This regulation shall amend the Claims and Payments Regulations.

(2) In regulation 2 (interpretation), after the definition of "Determination of Questions Regulations" there shall be inserted the following definition—

(a) S.I. 1977/2156 (N.I. 27): as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) (and set out in Part II of that Schedule) and Article 5 of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25))
(b) S.I. 1983/1121 (N.I. 14)
(c) 1980 c. 30
(d) S.R. 1981 No. 368; the relevant amending regulations are S.R. 1982 Nos. 240 and 324
(e) S.R. 1980 No. 423; the relevant amending regulations are S.R. 1981 No. 215
(f) S.R. 1981 No. 369; the relevant amending regulations are S.R. 1983 No. 191
(g) S.R. 1980 No. 417, to which there are amendments not relevant to these regulations
(h) S.R. 1981 No. 372, to which there are amendments not relevant to these regulations

"'"Housing Benefits Regulations" means the Housing Benefits Regulations (Northern Ireland) 1983(a);".

(3) In regulation 5 (time for claiming pension or allowance) in paragraph (2) (which specifies circumstances in which a claim may be treated as having been made on a day earlier than that on which it was made) after sub-paragraph (*d*) there shall be added the following sub-paragraph—

"(*e*) where—

(i) an amount is applicable to the claimant under regulation 19A of the Requirements Regulations (housing benefit supplement), and

(ii) within the period of 6 days immediately preceding the day on which his claim is made the claimant or a member of his assessment unit was liable to make a payment of rates or rent eligible for rebate or allowance under the Housing Benefits Regulations,

on the day on which that payment was to be made and, where payments of rates and rent were each liable to be made within that period, but on different days, on the day on which the payment of rent was liable to be made.".

(4) In paragraph (*a*) of regulation 8 (information to be given in connection with payment of benefit) after "that change" there shall be added ", except that in a case to which regulation 23A applies, notification of that change shall be made to the body to which the Department pays the pension or allowance in accordance with that regulation".

(5) In regulation 10 (minimum amount of benefit payable), after paragraph (2) there shall be added the following paragraph—

"(3) The preceding paragraphs shall not apply—

(*a*) to a beneficiary who is treated as responsible for housing expenditure under regulation 14(3) of the Requirements Regulations, or

(*b*) where any other person whose requirements are, pursuant to paragraph 3 of Schedule 1 to the Order, aggregated with and treated as his is so treated,

unless, in either case, the beneficiary is a person to whom Article 13 applies.".

(6) In regulation 14(1) (interpretation of regulations 14 to 25)—

(*a*) in the definition of "rent" for "Requirements Regulations" there shall be substituted "Housing Benefits Regulations", and there shall be added at the end "and references to "rent" include references to part only of the rent;";

(*b*) in the definition of "single householder rate" there shall be added at the end "and references to 5 per cent. of that rate are to that percentage rounded, where it is not a multiple of 5 pence, to the next higher such multiple.".

(7) After regulation 15 there shall be inserted the following regulation—

"Payments to third parties for amenity charges, rent, rates and rent and rates arrears

15A.—(1) Subject to paragraph (5), where—

(*a*) the conditions specified in paragraph (4) are fulfilled in relation to a beneficiary;

(*b*) in the calculation of his eligible rent, or that of his partner, for the purposes of a rent rebate or a rent allowance under the Housing Benefits Regulations a deduction (in this regulation referred to as an "amenity charge deduction") falls to be made under regulation 16(2)(*b*) of, and paragraphs 3 to 5 of Schedule 3 to, those regulations (heating, hot water, lighting and cooking); and

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(*c*) the amount of the award of pension or allowance to that beneficiary is not less than the total of—

(i) the amenity charge deduction, and

(ii) where that beneficiary is concurrently entitled to another benefit, 5 pence, or, in any other case, 10 pence,

the benefit officer shall determine that a weekly amount of the pension or allowance awarded to that beneficiary equal to the amount of the amenity charge deduction shall be paid to his landlord.

(2) Subject to paragraph (5), where—

(*a*) the conditions specified in paragraph (4) are fulfilled in relation to a beneficiary; and

(*b*) the amount of the award of pension or allowance to that beneficiary is not less than the total of—

(i) 5 per cent. of the single householder rate,

(ii) where a payment is to be made to his landlord by virtue of paragraph (1), the weekly amount of that payment, and

(iii) where that beneficiary is concurrently entitled to another benefit, 5 pence, or, in any other case, 10 pence,

the benefit officer shall determine that a weekly amount of the pension or allowance awarded to that beneficiary equal to 5 per cent. of the single householder rate shall be paid to the appropriate person or body.

(3) Subject to paragraph (5), where—

(*a*) the conditions specified in paragraph (4) are fulfilled in relation to a beneficiary; and

(*b*) the amount of the award of pension or allowance to that beneficiary is not less than the total of—

(i) the weekly amount, after deducting any rebates, of rent or rates, or both, payable to the Northern Ireland Housing Executive or the Department of the Environment,

(ii) where a payment is to be made to the Northern Ireland Housing Executive by virtue of paragraph (1), the weekly amount of that payment,

(iii) where a payment is to be made to the appropriate person or body under paragraph (2), the weekly amount of that payment, and

(iv) where that beneficiary is concurrently entitled to another benefit, 5 pence, or, in any other case, 10 pence,

the benefit officer shall determine that a weekly amount of the pension or allowance awarded to that beneficiary equal to the net amount of the rent or rates, or both, shall be paid to the appropriate body.

(4) The conditions referred to in paragraphs (1), (2) and (3) are, in relation to a beneficiary, that—

(*a*) he has been awarded a pension or an allowance;

(*b*) he or his partner has arrears of rent or rates which equal or exceed 4 times the full weekly rent or rates payable and—

(i) there are arrears of rent or rates in respect of at least 6 weeks, and the landlord has requested the Department to make payments in accordance with this regulation; or

(ii) there are arrears of rent or rates in respect of less than 6 weeks and in the opinion of the benefit officer it is in the overriding interests of the assessment unit that payments should be made in accordance with this regulation; or

(*c*) in the case of rates less than half the annual amount of rates has been paid.

(5) Where either—

(*a*) an amount or any aggregate amount determined under paragraph (1), (2) or (3) exceeds the award of pension or allowance; or

(*b*) the award of pension or allowance exceeds that amount or aggregate amount by—

(i) where the beneficiary is concurrently entitled to another benefit, less than 5 pence,

(ii) in any other case, less than 10 pence,

that amount or aggregate amount shall be adjusted so that, where the beneficiary is concurrently entitled to another benefit, 5 pence, and in any other case 10 pence, of the award is payable to the beneficiary.

(6) A payment to be made to a person or body by virtue of paragraph (1), (2) or (3) shall be made, at such intervals as the Department may direct, on behalf of and in discharge (in whole or in part) of the obligation of the beneficiary or, as the case may be, of his partner in relation to the items mentioned in those paragraphs.

(7) A determination made under paragraph (1), (2) or (3) shall remain in force until any such debt is discharged.''.

(8) For regulation 16 there shall be substituted the following regulation—

''*Regular payments to third parties for housing items*

16.—(1) Subject to paragraph (5) and regulation 18, where a beneficiary who has been awarded a pension or allowance or his partner—

(*a*) is in debt for any item of expenditure to which the category of housing requirements relates and which continues to be applicable to the beneficiary in the determination of his requirements; and

(*b*) in the opinion of a benefit officer has failed to budget for it,

the benefit officer may, if in his opinion it would be in the interests of the assessment unit to do so, determine that the amount of the award of that pension or allowance (''the amount deductible'') calculated in accordance with the following paragraphs shall be paid at such intervals as the Department may direct to the person or body to whom payment is due on behalf of the beneficiary or, as the case may be, his partner, in discharge of an obligation of his.

(2) Subject to paragraph (3), the amount deductible shall be such weekly aggregate of the following as is appropriate—

(*a*) in respect of any debt to which paragraph (1) applies or, where the debt owed is in respect of an account which includes more than one housing item, a weekly amount equal to 5 per cent. of the single householder rate (that 5 per cent. being, where it is not a multiple of 5 pence, rounded to the next higher such multiple) for such period as it is necessary to discharge that debt, so however that in aggregate the weekly amount calculated under this sub-paragraph shall not exceed 3 times that 5 per cent;

(*b*) for each such debt the actual weekly cost necessary in respect of continuing needs for the relevant items,

and the benefit officer may direct that, when the debt is discharged, the amount determined under sub-paragraph (*b*) shall be the amount deductible.

(3) Where either—

(*a*) the aggregate amount calculated under paragraph (2) exceeds the award of pension or allowance; or

(*b*) the award of pension or allowance exceeds that aggregate amount by—

(i) where the beneficiary is concurrently entitled to another benefit, less than 5 pence,

(ii) in any other case, less than 10 pence,

that aggregate amount shall be adjusted so that, where the beneficiary is concurrently entitled to another benefit, 5 pence, and in any other case 10 pence, of the award is payable to the beneficiary.

(4) For the purposes of this regulation any debt which is in respect of mortgage payments shall have priority over any other item.

(5) Paragraph (1) shall not apply to any debt which is either—

(*a*) in respect of mortgage payments and the beneficiary or his partner has in the preceding 12 weeks paid sums equal to 2 mortgage payments due in that period; or

(*b*) for any other housing item and is less than half the annual amount due to be paid by the beneficiary or his partner in respect of that item,

unless, in either case, in the opinion of the benefit officer it is in the overriding interests of the assessment unit that paragraph (1) should apply.

(6) Where any determination is made in respect of a beneficiary under paragraph (1) before 21st November 1983 and—

(*a*) in consequence of that determination an amount is, in the benefit week immediately preceding that date, deductible under the preceding paragraphs;

(*b*) any debt mentioned in paragraph (1)(*a*) in respect of which that determination was made has not been discharged on or before that date;

(*c*) on or after that date the award of pension or allowance to the beneficiary exceeds the amount deductible in respect of any such debt (calculated in accordance with paragraph (2)(*a*))—

(i) where the beneficiary is concurrently entitled to another benefit, by 5 pence or more,

(ii) in any other case, by 10 pence or more; and

(*d*) on that date regulation 9 of the Housing Benefits Regulations (certificated cases) applies to him,

the determination shall continue to apply until any such debt is discharged, except that the amount deductible shall be the amount calculated under paragraph (2)(*a*), and in any other case the determination shall cease to have effect.''.

(9) In regulation 18 (priority as between certain debts)—

(*a*) in paragraph (1)—

(i) for ''both regulation 16 and'' there shall be substituted ''more than one of regulations 15A to'',

(ii) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

''(*a*) the total weekly amount deductible under regulation 15A(2) and under regulations 16(2)(*a*) and 17(2)(*a*) shall not exceed an amount equal to 3 times 5 per cent. of the single householder rate;'';

(*b*) in paragraph (2) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

''(*a*) an amount is deductible from the award of pension or allowance to a beneficiary by virtue of one or more of the provisions mentioned in paragraph (1)(*a*);'';

(*c*) in paragraph (3)(*a*) after ''rent'' there shall be inserted '', including any arrears,''.

(10) In regulation 23 (payment of pension or allowance to third parties), in paragraph (*b*), before ''16'' there shall be inserted ''15A,''.

(11) After regulation 23 there shall be inserted the following regulation—