
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 181

HOUSING; RATES

**The Housing Benefit (General) (Amendment
No. 3) Regulations (Northern Ireland) 1996**

Made - - - - *3rd May 1996*

Coming into operation *7th October 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(d), 129(2) and (4) and 171(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1), sections 5(1) (j) and (q) of the Social Security Administration (Northern Ireland) Act 1992(2) and of all other powers enabling it in that behalf and with the consent of the Department of the Environment for Northern Ireland(3) in so far as its consent is required, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(4), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996.

(2) In these Regulations—

“the principal Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(5);

“the Amendment Regulations” means the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996(6);

“the relevant date” means the 6th October 1996.

(3) In regulations 10 and 11 expressions used shall have the same meaning as they have in the principal Regulations.

(1) 1992 c. 7

(2) 1992 c. 8

(3) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I.1993/1579 (N.I. 8))

(4) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(5) S.R. 1987 No. 461; relevant amending regulations are S.R. 1994 No. 335 and S.R. 1996 No. 111

(6) S.R. 1996 No. 111

(4) The Interpretation Act (Northern Ireland) 1954(7) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation) after the definition of “year of assessment” there shall be inserted the following definition—

““young individual” means a single claimant who has not attained the age of 25 years, but does not include such a claimant—

- (a) whose landlord is a registered housing association, or
- (b) who has ceased to be the subject of a training school order or a fit person order pursuant to section 95(1)(a) or (b) of the Children and Young Persons Act (Northern Ireland) 1968(8), which had previously been made in respect to him either—
 - (i) after he attained the age of 16 years, or
 - (ii) before he attained the age of 16 years, but had continued after he attained that age,

and who has not attained the age of 22 years;”.

Amendment of regulation 10A of the principal Regulations

3. In regulation 10A(3) of the principal Regulations (Determinations)(9) after sub-paragraph (b) there shall be added the following sub-paragraph—

“(c) under paragraph 4A of Schedule 1A unless the Executive is satisfied that the claimant is, or may be, a young individual.”.

Amendment of regulation 11 of the principal Regulations

4. In regulation 11 of the principal Regulations (maximum rent)(10) —

- (a) in paragraph (2) after “local reference rent” there shall be inserted “or a single room rent”;
- (b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) In the case of a young individual, where the Executive has determined a single room rent, the maximum rent shall not exceed that single room rent.”;
- (c) in paragraph (4) for “limit specified in paragraph (3)” there shall be substituted “limits specified in paragraphs (3) and (3A)”;
- (d) in paragraph (5) for “limit specified in paragraph (3)” there shall be substituted “limits specified in paragraphs (3) and (3A)”;
- (e) in paragraph (11)(11) at the end there shall be added “except in a case where the maximum rent has been determined in accordance with paragraph (3A)”;
- (f) in paragraph (16) after the definition of “relevant rent” there shall be inserted the following definition—

““single room rent” means the rent determined by the Executive under paragraph 4A of Schedule 1A(12);”.

(7) 1954 c. 33 (N.I.)

(8) 1968 c. 34 (N.I.)

(9) Regulation 10A was inserted by regulation 6 of S.R. 1996 No. 111

(10) Regulation 11 was substituted by regulation 7 of S.R. 1996 No. 111

(11) Paragraph (11) was added by regulation 7 of S.R. 1996 No. 111

(12) Paragraph 4A is inserted by regulation 8 of these Regulations

Amendment of regulation 88 of the principal Regulations

5. In regulation 88(3) of the principal Regulations (time and manner of payment) for “Subject to regulations 91 to 96” there shall be substituted “Subject to regulations 90 to 96”.

Amendment of regulation 90 of the principal Regulations

6. In regulation 90 of the principal Regulations (frequency of payment of a rent allowance)—
- (a) in paragraph (1) for “Subject to paragraphs (3) to (5)” there shall be substituted “Subject to paragraphs (2) to (5)”;
 - (b) for paragraph (2) there shall be substituted the following paragraphs—
 - “(2) Except in a case to which paragraph (2A) applies, any payment of a rent allowance shall be made, in so far as it is practicable to do so, at the end of the period in respect of which it is made.
 - (2A) Except in a case to which regulation 94(1A)(13) applies and subject to paragraph (2B), this paragraph applies where payment of a rent allowance is being made to a landlord (which for these purposes has the same meaning as in regulations 93 and 94 (circumstances in which payment is or may be made to a landlord or the Department of the Environment)(14), when that payment shall be made—
 - (a) at intervals of 4 weeks, and
 - (b) at the end of the period in respect of which it is made.
 - (2B) Where paragraph (2A) applies,
 - (a) in a case where the liability in respect of which the rent allowance is paid is monthly, the Executive may make payment at intervals of 1 month;
 - (b) in a case where the Executive is paying a rent allowance to a landlord in respect of more than one claimant, then the first such payment in respect of any claimant may be made to that landlord at such lesser interval as the Executive considers is in the best interest of the efficient administration of housing benefit.”;
 - (c) in paragraphs (3) and (4) at the beginning of each paragraph there shall be inserted “Except in a case to which paragraph (2A) applies,”;
 - (d) in paragraph (5) at the beginning for “Subject to paragraphs (2) and (3)” there shall be substituted “Subject to paragraphs (2), (2A) and (3)”.

Amendment of regulation 94 of the principal Regulations

7. In regulation 94 of the principal Regulations (circumstances in which payment may be made to a landlord or the Department of the Environment)—

- (a) after paragraph (1) there shall be inserted the following paragraph—
 - “(1A) Without prejudice to the power in paragraph (1), in any case where in the opinion of the Executive—
 - (a) the claimant has not already discharged his liability to pay his landlord for the period in respect of which any payment is to be made, and
 - (b) it would be in the interests of the efficient administration of housing benefit, a first payment of a rent allowance following the determination of a claim may be made, in whole or in part, by sending to the claimant an instrument of payment payable to that landlord.”;

(13) Paragraph (1A) is inserted by regulation 7 of these Regulations

(14) Regulation 94 was amended by regulation 10 of S.R. 1994 No. 335

- (b) in paragraph (2) for “paragraph (1)(a), (b) or (c)” there shall be substituted “paragraphs (1)(a), (b) or (c) or (1A)”.

Amendment of Schedule 1A to the principal Regulations

8. In Schedule 1A to the principal Regulations (Determinations of Rent Payable)(**15**) after paragraph 4 there shall be inserted the following paragraph—

“Single Room Rents

4A.—(1) The Executive shall determine a single room rent in accordance with the following formula—

$$S = \frac{H + L}{2}$$

where—

S is the single room rent;

H is the highest rent, in the Executive’s opinion, —

- (a) which a landlord might reasonably have been expected to obtain, at the relevant time, for an uncontrolled tenancy of a dwelling which meets the criteria in sub-paragraph (2), and
- (b) which is not an exceptionally high rent, and

L is the lowest rent, in the Executive’s opinion, —

- (a) which a landlord might reasonably have been expected to obtain, at the relevant time, for an uncontrolled tenancy of a dwelling which meets the criteria in sub-paragraph (2), and
- (b) which is not an exceptionally low rent.

(2) The criteria are—

- (a) that the dwelling under the uncontrolled tenancy is in the same locality as the dwelling and is in a reasonable state of repair;
- (b) that, under the uncontrolled tenancy, the tenant—
 - (i) has the exclusive use of one bedroom;
 - (ii) does not have the use of any other bedroom or room suitable for living in;
 - (iii) shares the use of a toilet, and
 - (iv) shares a kitchen or has no use of a kitchen, and
- (c) that the rent does not include any payment for board and attendance.

(3) Sub-paragraphs (3) and (5) of paragraph 4 apply when ascertaining H and L under this paragraph as if the reference in those sub-paragraphs to H and L were to H and L under this paragraph.”.

Amendment of Schedule 1B to the principal Regulations

9. In Schedule 1B to the principal Regulations (excluded tenancies)(**16**) in paragraph 2(3) after head (c) there shall be added the following head—

(15) Schedule 1A was inserted by regulation 15 of [S.R. 1996 No. 111](#)

(16) Schedule 1B was added by regulation 15 of [S.R. 1996 No. 111](#)

“(d) the claimant is a young individual, except in a case where the determination mentioned in sub-paragraph (1) was, or was made in conjunction with, a determination of a single room rent pursuant to paragraph 4A of Schedule 1A(17).”.

Transitional and saving provisions for young individuals

10.—(1) Regulations 3, 4 and 9 of these Regulations shall not apply in the case of a young individual to whom regulation 16 (savings provision) of the Amendment Regulations applies and the eligible rent of such a person shall be determined in accordance with regulation 16 of those Regulations.

(2) In the case of a young individual to whom regulation 16 of the Amendment Regulations does not apply, but who was entitled to and in receipt of housing benefit in respect of the relevant date, regulation 3 and 4 of these Regulations shall not apply to him until the earlier of such time as, either—

- (a) the benefit period within which the relevant date falls comes to an end, or
- (b) he occupies as his home a dwelling other than that so occupied by him on the relevant date, and until that time his eligible rent shall be that determined in accordance with regulations 10 and 11 of the principal Regulations as in operation on the relevant date.

Saving provision for payment of benefit

11.—(1) Regulations 5 and 6 of these Regulations shall not apply to a claimant who—

- (a) was entitled to and in receipt of housing benefit on account of his liability to make payments in respect of a dwelling, which he occupied or was treated as occupying as his home, on the relevant date, and
- (b) continues to be entitled and in receipt of housing benefit on account of his liability in respect of such occupation of that dwelling.

(2) In a case to which paragraph (1) applies, payment of housing benefit shall continue to be made to such a claimant in accordance with regulations 88 and 90 of the principal Regulations, as in operation on the relevant date.

(3) In this regulation “claimant” shall be taken to include the deceased partner of a claimant in any case where a claim is made by the surviving partner within 4 weeks of the death, provided—

- (a) this regulation applied to that deceased partner on the day of his death, or
- (b) that death occurred on or after 30th September 1996 and this regulation would have applied to the deceased partner had he died after the relevant date.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on .

L.S.

3rd May 1996

W. G. Purdy
Assistant Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Department of the Environment for Northern Ireland hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on .

L.S.

3rd May 1996

R. E. Aiken
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987. Regulation 4 creates a new maximum rent in the case of certain single claimants who are under 25 (“young individuals”), in respect of whom the Northern Ireland Housing Executive (“the Executive”) has determined a single room rent. Regulation 10(1) provides that these changes shall not apply to those young individuals to whom the savings provision in the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996 ([S.R. 1996 No. 111](#)) (providing exemption from the changes introduced by those Regulations) apply and regulation 10(2) provides that, when young individuals do not enjoy that savings protection, the changes introduced by regulations 3, 4 and 9 shall not apply to those in receipt of benefit on 6th October 1996 until they move home or their current benefit period comes to an end. Regulation 8 provides the manner in which a single room rent is to be determined.

Regulations 5 and 6 create a new rule for the period within which payment of housing benefit by way of rent allowance is made. It will now be paid at the end of the period to which it relates. However, in cases where direct payments are being made to a landlord payment is to be made at intervals of 4 weeks and at the end of that period, subject to certain exceptions. Regulation 7 enables the Executive to make first payments of benefit to the claimant by way of an instrument of payment in favour of the landlord. Regulation 11 provides that regulations 5 and 6 will not affect anyone on housing benefit on 6th October 1996 (or the partner of a deceased recipient) as long as he continues to be entitled to it and to occupy the same dwelling as his home.