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STATUTORY INSTRUMENTS

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**1998 No. 1506**

**The Social Security (Northern Ireland) Order 1998**

**PART II**

**DECISIONS AND APPEALS**

**CHAPTER II**

**SOCIAL SECURITY DECISIONS AND APPEALS**

*Housing benefit*

**Suspension of benefit in prescribed circumstances**

**35.**—(1) Regulations may provide for—

- (a) suspending in prescribed circumstances, in whole or in part, payments of housing benefit;
- (b) the subsequent making, or restoring, in prescribed circumstances of any or all of the payments so suspended.

(2) Regulations made under paragraph (1) may, in particular, make provision for any case where, in relation to a claim for housing benefit—

- (a) it appears to the Housing Executive or the Department of the Environment that an issue arises whether the conditions for entitlement to the benefit are or were fulfilled;
- (b) it appears to the Housing Executive or the Department of the Environment that an issue arises whether the determination of the claim should be reviewed in accordance with regulations made under Article 34(4);
- (c) an appeal is pending to a court in relation to the determination of the claim; or
- (d) an appeal is pending to a court in relation to the determination (whether made by the Housing Executive or by the Department of the Environment) of a different claim for housing benefit, and it appears to the Executive or that Department that if the appeal were to be determined in a particular way an issue would arise whether the determination of the claim ought to be reviewed.

(3) For the purposes of paragraph (2), an appeal is pending to a court in relation to a determination if—

- (a) an application, or a renewed application, for leave to apply for judicial review of the determination has been made but not determined;
- (b) such leave has been granted but the application for judicial review has not been determined;
- (c) an appeal has been brought (or an application has been made for leave to appeal) against an order made on a judicial review of the determination, and the appeal (or application) has not been determined; or

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- (d) in such circumstances as may be prescribed, the time for making an application or appeal such as is mentioned in sub-paragraph (a) or (c) has not yet expired.