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STATUTORY INSTRUMENTS

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**1999 No. 3147**

**The Welfare Reform and Pensions  
(Northern Ireland) Order 1999**

**PART VI**

**WELFARE**

**CHAPTER II**

**OTHER WELFARE PROVISIONS**

**Measures to reduce under-occupation by housing benefit claimants**

**70.**—(1) The Department may by regulations make a scheme providing for a housing benefit claimant, where he moves from an under-occupied dwelling in the public or social rented sector to a qualifying dwelling, to be entitled to be paid an amount calculated by reference to the difference between—

- (a) the prescribed payments he was liable to make in respect of his former dwelling, and
- (b) those he is liable to make in respect of his new dwelling.

(2) In paragraph (1) the reference to a qualifying dwelling is to a dwelling (whether in the public or social rented sector or not) which, in relation to the claimant, either—

- (a) is not under-occupied, or
- (b) is under-occupied to a lesser extent than the claimant's former dwelling.

(3) Regulations under this Article may, in particular, make provision—

- (a) as to the circumstances in which, in relation to a housing benefit claimant, a dwelling is or is not to be regarded for the purposes of the scheme as under-occupied or under-occupied to a lesser extent than another dwelling;
- (b) as to the manner in which an amount payable to such a claimant under the scheme is to be calculated.

(4) Regulations made in pursuance of paragraph (3)(b) may provide for the amount payable to a housing benefit claimant under the scheme (“the relevant amount”) to be reduced on account of—

- (a) any arrears of rent payable by him, or
- (b) any amount paid to him by way of housing benefit which constitutes an overpayment for housing benefit purposes;

but regulations under this Article shall not otherwise provide for the making of any reduction in the relevant amount on account of any sum due to or recoverable by the Housing Executive.

(5) A person aggrieved by a determination of any prescribed description made under regulations under this Article may appeal to such court or tribunal as may be prescribed; and the regulations may make provision as to the procedure to be followed in connection with appeals under this paragraph.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Welfare Reform and Pensions (Northern Ireland) Order 1999, CHAPTER II. (See end of Document for details)*

(6) Regulations under this Article may provide that the scheme is to apply only in relation to one or more prescribed areas; and, if they do so, they may also—

- (a) provide that (unless continued in operation by subsequent regulations under this Article) the scheme is to remain in operation there only for a prescribed period;
- (b) include such transitional, consequential or saving provisions as the Department considers appropriate in connection with the scheme ceasing to be in operation in relation to the area or areas at the end of that period.

(7) Where the Housing Executive makes any payment under the scheme it shall be reimbursed by the Department in respect of that payment in such manner and subject to such conditions as to claims, records, certificates or other information or evidence as may be prescribed (any reduction made by virtue of paragraph (4) being disregarded for the purposes of this paragraph).

(8) Subject to any prescribed exceptions or modifications, the provisions of the Administration Act shall have effect in relation to payments under the scheme as they have effect in relation to housing benefit.

(9) For the purposes of this Article a dwelling occupied by a housing benefit claimant is in the public or social rented sector if the payments which the claimant is liable to make in respect of the dwelling (and on account of which he is entitled to housing benefit) are to be made to—

- (a) the Housing Executive, or
- (b) a registered housing association within the meaning of the Housing (Northern Ireland) Order 1992.

(10) In this Article—

“dwelling” has the same meaning as in Part VII of the Contributions and Benefits Act (income-related benefits);

“housing benefit claimant”, in relation to a dwelling, means a person entitled to housing benefit by virtue of being liable to make payments in respect of the dwelling;

“prescribed” means specified in or determined in accordance with regulations under this Article.

### **Supply of information for child support purposes**

71.—(1) Paragraph 1A of Schedule 2 to the Child Support Act 1991 shall be amended as follows.

(2) In sub-paragraphs (1), (2) and (4), after the word “Act” there shall be added “or any corresponding Northern Ireland legislation”.

(3) In sub-paragraph (5), at the end there shall be added “or, in relation to Northern Ireland, the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Welfare Reform and Pensions (Northern Ireland) Order 1999, CHAPTER II.