

## 1986 No. 239

## HOUSING; RATES

**The Housing Benefits (Amendment No. 4) Regulations  
(Northern Ireland) 1986**

<i>Made</i> . . . . .	24th July 1986
<i>Coming into operation</i> . . . . .	28th July 1986

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 3(2) of the Housing Benefits (Northern Ireland) Order 1983(a) and acting jointly with the Department of the Environment, in exercise of the powers conferred on them by Article 3(1) of that Order, in each case with the consent of the Department of Finance and Personnel, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Housing Benefits (Amendment No. 4) Regulations (Northern Ireland) 1986 and shall come into operation on 28th July 1986.

(2) In these regulations “the principal regulations” means the Housing Benefits Regulations (Northern Ireland) 1985(b).

*Amendment of the principal regulations*

2.—(1) The principal regulations shall be amended in accordance with the following provisions.

(2) In regulation 5(2) (eligibility for rate rebate)—

(a) in sub-paragraph (a) “and” shall be omitted;

(b) in sub-paragraph (b) for “that housing expenditure.” there shall be substituted “that housing expenditure; and”;

(c) after sub-paragraph (b) there shall be inserted the following sub-paragraph—  
“(c) a person is not eligible for a rate rebate in respect of accommodation provided under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(c) (provision of services including residential accommodation).”

(3) In regulation 6 (eligibility for rent rebate)—

(a) for paragraph (3) there shall be substituted the following paragraph—

“(3) Notwithstanding paragraph (1)—

(a) subject to regulation 8(1), a boarder on supplementary benefit is not eligible for a rent rebate in respect of a dwelling at which he boards; and

(b) a person is not eligible for a rent rebate in respect of accommodation provided under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972.”

(a) S.I. 1983/1121 (N.I. 14)

(b) S.R. 1985 No. 282, to which there are amendments not relevant to the subject matter of these regulations

(c) S.I. 1972/1265 (N.I. 14)

- (4) In regulation 7(3) (eligibility for rent allowance)—
- (a) in sub-paragraph (a) “and” shall be omitted;
  - (b) in sub-paragraph (b) for “that housing expenditure.” there shall be substituted “that housing expenditure; and”; and
  - (c) after sub-paragraph (b) there shall be inserted the following sub-paragraph—
 

“(c) a person is not eligible for a rent allowance in respect of accommodation provided under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972.”.
- (5) In regulation 20 (deductions for non-dependants)—
- (a) in paragraph (1), for “paragraphs (3) to (13)” there shall be substituted “paragraphs (2A) to (13)”; and for sub-paragraph (b) there shall be substituted the following sub-paragraphs—
 

“(b) for each person aged under 25 in receipt of supplementary benefit in respect of whom a deduction was made immediately before 28th July 1986 under the provision of sub-paragraph (b) as then in operation, £1.10;

(c) for each person aged 25 or more in receipt of supplementary benefit, £1.10.”;
  - (b) in paragraph (2), for “paragraphs (3) to (13)” there shall be substituted “paragraphs (2A) to (13)”; and for sub-paragraph (b) there shall be substituted the following sub-paragraphs—
 

“(b) for each person aged under 25 in receipt of supplementary benefit in respect of whom a deduction was made immediately before 28th July 1986 under the provision of sub-paragraph (b) as then in operation, £2.80;

(c) for each person aged 25 or more in receipt of supplementary benefit, £2.80.”; and
  - (c) after paragraph (2) there shall be inserted the following paragraph—
 

“(2A) A deduction shall cease to be made under paragraph (1)(b) or, as the case may be, paragraph (2)(b) if, at any time on or after 28th July 1986—

    - (a) the beneficiary ceases to be entitled to a rate rebate or, as the case may be, a rent rebate or allowance; or
    - (b) the person in respect of whom the deduction was made ceases to be—
      - (i) in receipt of supplementary benefit, or
      - (ii) a member of the household,

or, in the case of a person who, immediately before that date, was a boarder in receipt of supplementary benefit in the household, ceases to be such a boarder.”.
- (6) In Schedule 2 (amounts to be disregarded when ascertaining weekly income for any housing benefit), after paragraph 4 there shall be inserted the following paragraph—
- “4A. Where a person receives income under an annuity purchased with a loan which satisfies the following conditions—
- (a) that the loan was made as part of a scheme under which not less than 90% of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
  - (b) that the interest on the loan is payable by the person to whom it was made or by one of the annuitants;

- (c) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (d) that the loan was secured on a dwelling in Northern Ireland and the person to whom the loan was made or one of the annuitants owns an estate of interest in that dwelling; and
- (e) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid,

the amount, calculated on a weekly basis equal to—

- (i) where, or in so far as, section 26 of the Finance Act 1982(a) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the basic rate for the year of assessment in which the payment of interest becomes due,
- (ii) in any other case the interest which is payable on the loan without deduction of such a sum.”.

Sealed with the Official Seal of the Department of Health and Social Services on 24th July 1986.

(L.S.)

*C. Davie*

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 24th July 1986.

(L.S.)

*E. J. Galway*

Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 24th July 1986.

(L.S.)

*R. G. Smartt*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations amend the Housing Benefits Regulations (Northern Ireland) 1985 which contain the schemes for the grant of rate rebates, rent rebates and rent allowances (collectively called "housing benefits") and correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 2(2), (3) and (4) excludes from eligibility to housing benefits persons in accommodation provided under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972, where board is available to the housing benefit claimant.

Regulation 2(5) raises from 21 to 25 the age at which a deduction is made in respect of a non-dependant in receipt of supplementary benefit and makes transitional provision for persons under 25 before 28th July 1986.

Regulation 2(6) provides for the disregard as income for housing benefit purposes of so much of a home income plan annuity as represents the interest payable on the loan by which the annuity was acquired.