

## 1992 No. 549

## HOUSING; RATES

**The Housing Benefit (General) (Amendment No. 4)  
Regulations (Northern Ireland) 1992**

Made . . . . . 17th December 1992

Coming into operation in accordance with regulation 1(1)

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 133(2)(h), (i) and (j) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and of all other powers enabling it in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it(b), hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1992 and shall come into operation as follows—

(a) regulations 1 to 5 and 8 on 1st April 1993;

(b) regulations 6 and 7 in any case to which paragraph (2) applies on 1st April 1993, and in any other case on 5th April 1993.

(2) This paragraph applies in any case where—

(a) rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof; or

(b) payments by way of rates are not made together with payments of rent at weekly intervals or multiples thereof.

(3) In these regulations “the principal regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(c).

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

*Amendment of regulation 5 of the principal regulations*

2. In regulation 5(3) and (5)(b) of the principal regulations (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) after “student” there shall be inserted “, other than one to whom

---

(a) 1992 c. 7

(b) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(c) S.R. 1987 No. 461; relevant amending regulations are S.R. 1989 No. 125, S.R. 1990 Nos. 136, 297, 345 and 442, S.R. 1991 No. 47 and S.R. 1992 No. 85

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

regulation 48A(1) (full-time students to be treated as not liable to make payments in respect of a dwelling) applies”.

*Amendment of regulation 6 of the principal regulations*

3. In regulation 6(1)(e) of the principal regulations (circumstances in which a person is to be treated as liable to make payments in respect of a dwelling) “of rent” shall be omitted.

*Amendment of regulation 9 of the principal regulations*

4. In regulation 9(2) of the principal regulations (rates) “or 48A” shall be omitted.

*Amendment of regulation 48A of the principal regulations*

5. In regulation 48A(1) of the principal regulations (full-time students to be treated as not liable to make payments of rent in respect of a dwelling) for the words preceding “a dwelling” there shall be substituted the following—

*“Full-time students to be treated as not liable to make payments in respect of a dwelling*

**48A.**—(1) A full-time student shall be treated as if he were not liable to make payments in respect of”.

*Amendment of regulation 61 of the principal regulations*

6. In regulation 61(b) of the principal regulations (maximum housing benefit) for “80 per cent.” there shall be substituted “100 per cent.”.

*Amendment of regulation 63 of the principal regulations*

7. In regulation 63 of the principal regulations (non-dependant deductions)—

(a) in paragraph (1)—

(i) for “Subject to paragraphs (2) to (8),” there shall be substituted “Subject to paragraphs (2) to (9),”;

(ii) in sub-paragraph (a)(ii) for “£4.15” there shall be substituted “£2.00”;

(iii) in sub-paragraph (b)(ii) for “£4.15” there shall be substituted “£1.00”;

(b) in paragraph (2)—

(i) for “paragraph (1)(a)(i)” there shall be substituted “paragraph (1)(a)”;

(ii) in sub-paragraphs (a) to (c) after “under this regulation” there shall be inserted “in respect of a rent rebate or allowance”;

(iii) after sub-paragraph (c) there shall be added the following sub-paragraph—

*“(d) less than £105.00, the deduction to be made under this regulation in respect of a rate rebate shall be the deduction specified in paragraph (1)(b)(ii).”;*

- (c) for paragraph (8) there shall be substituted the following paragraph—
- “(8) No deduction shall be made in calculating the amount of—
- (a) a rent rebate or allowance in respect of a non-dependant aged less than 25 who is on income support;
  - (b) a rate rebate in respect of a non-dependant who is on income support.”.

*Transitional provision*

8. Where, immediately before 1st April 1993, a student was entitled to a rate rebate, the principal regulations shall continue to apply to him as if the amendments made by regulations 2 to 5 had not been made but only for the period up to the last day of the course.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 17th December 1992.

(L.S.)

*A. N. Burns*

Assistant Secretary

## EXPLANATORY NOTE

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

These regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987 ("the principal regulations"). They align the Northern Ireland rate rebate scheme with certain aspects of the council tax benefit scheme in Great Britain.

They exclude full-time students from the rate rebate scheme except for the groups listed in regulation 48A(2) of the principal regulations (regulation 5). They also make a few minor consequential amendments (regulations 2 to 4).

They increase the amount of a person's maximum housing benefit in any benefit week from 80 per cent. to 100 per cent. of his eligible rates (regulation 6).

They change the non-dependant deduction for a rate rebate from a single level of £4.15 per week to 2 levels of deduction. For those not in remunerative work or with a weekly gross income of less than £105.00 the deduction will be £1.00 per week. For those in remunerative work with a weekly gross income of £105.00 or more the deduction will be £2.00 per week. They provide that no deduction will be made for a rate rebate if the non-dependant is in receipt of income support (regulation 7).

They further provide that those full-time students who are entitled to a rate rebate under the provisions of the principal regulations which applied immediately before 1st April 1993 shall continue to be entitled until the last day of the course (regulation 8).

---

**1992 Nos. 550, 551**

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.