
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 377

HOUSING

**The Housing Benefit (General) (Amendment
No. 6) Regulations (Northern Ireland) 1997**

Made - - - - 14th August 1997

Coming into operation 5th October 1997

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred upon it by sections 122(1)(d), 129(2) and (4) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Amendment No. 6) Regulations (Northern Ireland) 1997 and shall come into operation on 5th October 1997.

(2) In these Regulations—

“the principal Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(2).

(3) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Housing Benefit (General) (Amendment No. 4) Regulations

2.—(1) The Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1997(4) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (which amends regulation 11 of the principal Regulations)—

(a) in paragraph (a) for “Subject to paragraph (3D),” there shall be substituted “Subject to paragraph (3B),”;

(b) in paragraph (b) for new paragraphs (3B) to (3D) the following paragraph shall be substituted—

(1) 1992 c. 7

(2) S.R. 1987 No. 461; relevant amending regulations are S.R. 1991 No. 47, S.R. 1996 Nos. 111, 181 and 334

(3) 1954 c. 33 (N.I.)

(4) S.R. 1997 No. 170

- “(3B) Paragraph (3A) shall not apply in the case of a claimant—
- (a) to whom regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996⁽⁵⁾ (saving provision) applies;
 - (b) to whom paragraph 13 of Schedule 2 (severe disability premium) applies, or
 - (c) who has a non-dependant residing with him.”;
- (c) for paragraphs (c) and (d) respectively the following paragraphs shall be substituted—
- “(c) in paragraph (4)(a)⁽⁶⁾ the words from “plus 50 per cent.” to the end of the paragraph shall be omitted;
 - (d) in paragraph (5)⁽⁷⁾ the words from “plus 50 per cent.” to the end of the paragraph shall be omitted.”.
- (3) Regulation (4)(a) (amendment of Schedule 1B to the principal Regulations) shall be omitted.
- (4) In regulation 5 (savings)—
- (a) in paragraph (1) after “paragraph (2)” there shall be inserted “or (2A)”;
 - (b) for paragraph (2) there shall be substituted the following paragraphs—
- “(2) This paragraph applies to a claimant who was entitled to and in receipt of housing benefit on 5th October 1997, until—
- (a) the date on which the benefit period, which was current for that claimant on 5th October 1997, ends, or
 - (b) the date on which the claimant occupies a new dwelling as his home on moving from the dwelling he so occupied on 5th October 1997,
- whichever is the earlier.
- (2A) This paragraph applies to a claimant who makes a further claim for housing benefit under regulation 72(11) to (13)⁽⁸⁾ of the principal Regulations, where he has been continuously entitled to and in receipt of housing benefit, in respect of the same dwelling for a period which includes 5th October 1997, which included an addition by virtue of regulation 11(4) or (5) of the principal Regulations as they had effect on 5th October 1997.
- (2B) “Benefit period” for the purposes of paragraph (2) has the same meaning as in regulation 66 of the principal Regulations.”.

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

L.S.

14th August 1997.

D. A. Baker
Assistant Secretary

⁽⁵⁾ S.R. 1996 No. 111; regulation 16 was amended by regulation 8 of S.R. 1996 No. 405 and regulation 8 of S.R. 1996 No. 448
⁽⁶⁾ Paragraph (4) was amended by regulation 4(c) of S.R. 1996 No. 181
⁽⁷⁾ Paragraph (5) was amended by regulation 4(d) of S.R. 1996 No. 181
⁽⁸⁾ Paragraph (13) was amended by regulation 9(b) of S.R. 1991 No. 47 and regulation 13(c) of S.R. 1996 No. 334

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1997 (“the amending Regulations”) so as to omit amendments to regulation 11 of the Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 1987 ([S.R. 1987 No. 461](#)) which would have had the effect from 6th October 1997 of further restricting the maximum rent on which housing benefit may be paid in the case of single claimants aged 25 but under 60. These Regulations also make provision with respect to cases to whom the amending Regulations are not to apply.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to the Social Security Administration (Northern Ireland) Act 1992 ([c. 8](#)), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.