



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART VIII

ARRANGEMENTS FOR HOUSING BENEFIT

Housing benefit

126 Arrangements for housing benefit

- (1) Housing benefit provided by virtue of a scheme under section 122 of the Contributions and Benefits Act (in this Act referred to as “the housing benefit scheme”)—
 - (a) is to be in the form of a rate rebate, if it is in respect of payments by way of rates;
 - (b) is to be in the form of a rent rebate, if it is in respect of payments, other than payments by way of rates, to be made to the Housing Executive; and
 - (c) is in any other case to be in the form of a rent allowance.
- (2) The rebates and allowances referred to in subsection (1) above may take any of the following forms, that is to say—
 - (a) a payment or payments by the Housing Executive or the Department of the Environment, as the case may be, to the person entitled to the benefit; and
 - (b) a reduction in the amount of any payments which that person is liable to make to the Housing Executive or the Department of the Environment, as the case may be, by way of rent or rates; or
 - (c) such a payment or payments and such a reduction;and in any statutory provision (whenever passed or made) “pay”, in relation to housing benefit, includes discharge in any of those forms.
- (3) Housing benefit shall be administered by—

Status: This is the original version (as it was originally enacted).

- (a) the Housing Executive in so far as it relates to persons who are tenants of the Executive, private tenants or tenants of registered housing associations;
 - (b) the Department of the Environment in so far as it relates to persons who own and occupy their dwellings.
- (4) Regulations may provide that in prescribed cases a payment made by a person entitled to a rent allowance shall be treated for the purposes of subsection (1)(a) above as being, to such extent as may be prescribed, a payment by way of rates.
- (5) Circumstances may be prescribed in which a rate rebate may be treated as if it fell to be paid as a rent allowance.
- (6) In this section—
- “private tenants” means tenants under any tenancy except—
 - (a) a tenancy under which the estate of the landlord belongs to—
 - (b) the Housing Executive; or
 - (ii) a registered housing association;
 - (d) a tenancy the purpose of which is to confer on the tenant the right to occupy a dwelling-house for a holiday;
 - “registered housing association” means a housing association registered in the register maintained under Part VII of the Housing (Northern Ireland) Order 1981.

127 Housing benefit finance

- (1) The Department shall in respect of each financial year pay to the Housing Executive a grant towards the expenditure incurred or to be incurred by the Executive in that year under this Part (including, if the Department so determines, an amount towards the cost of administering housing benefit).
- (2) The amount of the grant under subsection (1) above which is to be paid to the Housing Executive shall be such as the Department may, with the approval of the Department of Finance and Personnel, determine.
- (3) A grant under subsection (1) above shall be payable by the Department at such time and in such manner as the Department may think fit.

128 Claims etc

- (1) Unless the Department otherwise determines, a grant under section 127 above shall not be payable until the Housing Executive has made a claim for it in such form as the Department may determine.
- (2) The Department may withhold from the Housing Executive so much of any grant under section 127 above as it thinks fit until either—
 - (a) the Executive has supplied it with prescribed particulars relating to its claim for a grant and complied with prescribed conditions as to records, certificates, audit or otherwise; or
 - (b) the Department is satisfied that there is a good reason for the Executive’s failure to supply those particulars or comply with those conditions.

- (3) If the Housing Executive fails to make a claim for a grant within such period as the Department considers reasonable, the Department may withhold from the Executive such part of the grant as it thinks fit for so long as it thinks fit.
- (4) Where the amount of the grant paid to the Housing Executive for any year is found to be incorrect, the amount payable to it for any subsequent year may be adjusted for the purpose of rectifying that mistake in whole or in part.