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STATUTORY INSTRUMENTS

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**1983 No. 1121 (N.I. 14)**

**NORTHERN IRELAND**

**The Housing Benefits  
(Northern Ireland) Order 1983**

*Laid before Parliament in draft*

*Made*

*27th July 1983*

*Coming into operation on days to be appointed under Article  
1(2).*

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation.
3. The schemes.
4. Variation of needs allowances.
5. Publicity for schemes.
6. Annual grant to the Executive.
7. Regulations.
8. Supplementary provisions.
9. Amendments and repeals.

SCHEDULES:

Schedule 1—Amendments.

Schedule 2—Repeals.

At the Court at Buckingham Palace, the 27th day of July 1983

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1974 c. 28

**HOUSING BENEFITS (NI) ORDER 1983**  
**SI 1983/1121 (NI 14)**

*Title and commencement*

1.—(1) This Order may be cited as the Housing Benefits (Northern Ireland) Order 1983.

(2) This Order shall come into operation on such day or days as the Head of the Department may by order appoint.

*Interpretation*

1954 c. 33 (N.I.)

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of Health and Social Services;

“dwellings” means any residential accommodation, whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;

“the Executive” means the Northern Ireland Housing Executive;

“prescribed” means prescribed by regulations;

“private tenant” means a tenant under any tenancy except—

(a) a tenancy under which the estate of the landlord belongs to—

(i) the Executive; or

(ii) a registered housing association;

(b) a tenancy the purpose of which is to confer on the tenant the right to occupy a dwelling-house for a holiday;

“rate rebates” means rebates from payments by way of rates;

“registered housing association” means a housing association registered in the register maintained under Part VII of the Housing (Northern Ireland) Order 1981;

S.I. 1981/156  
(N.I. 3)

“rent” does not include any sum payable on account of rates;

“rent allowances” means allowances towards payments made by private tenants or tenants of registered housing associations by way of rent;

“rent rebates” means rebates from payments made by tenants of the Executive by way of rent;

S.I. 1977/2157  
(N.I. 28)

“rates” has the same meaning as in the Rates (Northern Ireland) Order 1977;

“scheme” means a scheme made under Article 3(1) or (2);

“statutory provision” has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

*The schemes*

3.—(1) The Department of the Environment and the Department acting jointly may by regulations make, with the consent of the

Department of Finance and Personnel, a scheme for the grant, by the Department of the Environment to persons who own and occupy as their homes dwellings in respect of which they are liable to make payments by way of rates, of rate rebates being (in each case) rebates determined in accordance with the provisions of the scheme by reference to the needs and resources of those persons.

(2) The Department may by regulations make, with the consent of the Department of Finance and Personnel, schemes for the grant, by the Executive to persons who are tenants of the Executive, private tenants or tenants of registered housing associations and who occupy as their homes dwellings in respect of which they are liable to make payments by way of rates or rent or both, of rate or rent rebates or, as the case may be, rent allowances being (in each case) rebates or allowances determined in accordance with the provisions of the schemes by reference to the needs and resources of those persons.

(3) Regulations under paragraph (1) or (2) may in particular—

- (a) make provision for treating any person who, without being liable to do so, makes payments in respect of a dwelling as if he were so liable;
- (b) make provision for treating any person who occupies a dwelling otherwise than as his home as if he occupied it as his home;
- (c) make provision for treating any one or more of the joint occupiers of a dwelling as if he or they were the only occupiers;
- (d) make provision for treating as included in a dwelling any land used for the purposes of the dwelling;
- (e) enable any rate rebate or rent allowance to be so applied as to discharge, in whole or in part, the liability to which it relates;
- (f) make provision with respect to determinations, enable any determination made under a scheme to be reviewed and provide for the notification of a determination to any person affected by it;
- (g) enable any rebate or allowance granted to a person not entitled to it to be recovered by the Department, the Department of the Environment or the Executive, and to be so recovered by deduction from a prescribed benefit; and
- (h) enable any person to exercise a discretion in dealing with any matter;

and may make such transitional provision as appears to the Department to be necessary or expedient.

(4) References in this Article to payments in respect of dwellings do not include mortgage payments but, subject to that, they include any payments in respect of dwellings including, in particular—

- (a) payments under tenancies of dwellings or licences; and

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- (b) payments for services performed or facilities provided for, or rights made available to, the occupiers of dwellings.

*Variation of needs allowances*

1982 c. 24

4. Whenever the Secretary of State makes regulations under section 28(1) of the Social Security and Housing Benefits Act 1982 increasing one or more needs allowance corresponding regulations for Northern Ireland may be made under Article 3(1) and (2).

*Publicity for schemes*

5. The Department of the Environment and the Executive shall—
- (a) take such steps as may appear to them appropriate for the purpose of securing that the provisions of the schemes come to the notice of any persons who may be entitled to a rebate or allowance under the schemes; and
- (b) make copies of the schemes available for public inspection at their offices at all reasonable hours without payment.

*Annual grant to the Executive*

6.—(1) Subject to paragraph (2), the Department may in respect of each financial year pay to the Executive at such times, in such manner and subject to such conditions as the Department may think fit, a grant towards the expenditure incurred or to be incurred by the Executive in that year under this Order.

(2) The amount of any grant payable by the Department under paragraph (1) shall be such as the Department may, with the approval of the Department of Finance and Personnel, determine.

*Regulations*

1954 c. 33 (N.I.)

7.—(1) Without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954 any power to make regulations conferred by this Order shall include power to make different provision for different areas.

(2) Without prejudice to Article 3(3), a power conferred by this Order to make regulations includes power to make by regulation such incidental or supplementary provision as appears to the Department to be expedient for the purposes of the regulations.

(3) Regulations to which this paragraph applies shall be laid before the Assembly after being made and shall take effect on such date as may be specified in the regulations, but shall (without prejudice to anything done under the regulations or to the making of new regulations) cease to have effect upon the expiration of a period of 6 months from that date unless at some time before the expiration of that period the regulations have been approved by a resolution of the Assembly.

- (4) Paragraph (3) applies to—
- (a) the first regulations made under Article 3(1) or (2); and
  - (b) regulations made in pursuance of Article 4.
- (5) All regulations under this Order, other than regulations to which paragraph (3) applies, shall be subject to negative resolution.
- (6) Section 10(1) of the Social Security Act 1980 (duty of Department to refer proposals for regulations to the Social Security Advisory Committee) shall not apply to any regulations which state that they satisfy the requirements of paragraph (7). 1980 c. 30
- (7) Regulations satisfy the requirements of this paragraph if they contain only one or more of the following—
- (a) regulations made under or by virtue of any provision of this Order and before the expiry of the period of 6 months beginning with the commencement of that provision;
  - (b) regulations made under any statutory provision in consequence of a provision of this Order, or in consequence of any provision made by virtue of a provision of this Order, and before the expiry of the period of 6 months beginning with the commencement of the relevant provision of this Order;
  - (c) regulations proposals for which are not subject to the requirements of section 10(1) of that Act of 1980.

*Supplementary provisions*

8.—(1) Where, in consequence of the provisions of this Order, regulations under the Supplementary Benefits (Northern Ireland) Order 1977 contain provisions excluding any items from those to which housing requirements for the purposes of Schedule 1 to that Order relate, the regulations may also contain such provision as the Department considers appropriate for dealing with transitional matters connected with or arising out of the coming into force of that provision. S.I. 1977/2156 (N.I. 27)

(2) The Executive shall supply the Department with such information in its possession as may be required to give effect to the said Order of 1977; and the Department shall supply the Executive with such information concerning claims for and payments of supplementary benefit (within the meaning of that Order) as the Executive may require to give effect to schemes.

(3) In order to assist the Executive to give effect to the scheme under Article 3(2) which makes provision for rent allowances to private tenants, where a rent is registered under Part V of the Rent (Northern Ireland) Order 1978 there shall be noted on the register the amount (if any) of the registered rent which, in the opinion of the rent officer or rent assessment committee, is fairly attributable to the provision of services, but excepting any amount which in the opinion of the rent officer or, as the case may be, the rent assessment committee is negligible. S.I. 1978/1050 (N.I. 20)

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*Amendments and repeals*

9.—(1) The statutory provisions specified in Schedule 1 shall have effect subject to the amendments specified in that Schedule.

(2) The statutory provisions specified in Schedule 2 are hereby repealed to the extent specified in column 3 of that Schedule.

*N. E. Leigh*  
Clerk of the Privy Council.

Article 9(1)

**SCHEDULES**

**SCHEDULE 1**

**AMENDMENTS**

*The Industrial Relations (Northern Ireland)*  
*Order 1976 (S.I. 1976/1043 (N.I. 16))*

1. In Article 72(4)(b) for “(2) or (3)” substitute “or (2)”.

*The Rates (Northern Ireland) Order 1977*  
*(S.I. 1977/2157 (N.I. 28))*

2. In Article 31A(13) for “Article 28” substitute “Article 3 of the Housing Benefits (Northern Ireland) Order 1983”.

*The Rates (Amendment) (Northern Ireland) Order 1979*  
*(S.I. 1979/297 (N.I. 4))*

3. In Article 5 the amendment to Article 31A(13) of the Rates (Northern Ireland) Order 1977 specified in paragraph 2.

*The Social Security Act 1980 (c. 30)*

4. In section 9(7) in the definition of “the relevant Northern Ireland enactments” at the end add “and the Housing Benefits (Northern Ireland) Order 1983”.

5. In paragraph 15B of Schedule 3 after “1982” add “or under Article 3(1) or (2) of the Housing Benefits (Northern Ireland) Order 1983”.

*The Social Security (Northern Ireland) Order 1980*  
*(S.I. 1980/870 (N.I. 8))*

6. In Schedule 3 in paragraph 8(b) the amendment to Article 72(4)(b) of the Industrial Relations (Northern Ireland) Order 1976 specified in paragraph 1.

*The Social Security and Housing Benefits Act 1982 (c. 24)*

7. In paragraph 33(3) of Schedule 4 the amendment to paragraph 15B of Schedule 3 to the Social Security Act 1980 specified in paragraph 5.

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SCHEDULE 2

Article 9(2)

REPEALS

| Number                       | Short Title   | Extent of Repeal   |
|------------------------------|---|--|
| S.I. 1977/2156<br>(N.I. 27). | The Supplementary Benefits (Northern Ireland) Order 1977. | In Article 16, paragraph (3); in paragraph (4)(a) the words "or in pursuance of Article 28(3) of the Rates (Northern Ireland) Order 1977"; in paragraph (4)(b) the words "or the said Article 28(3)" and in paragraph (5) the words "or Article 28(3) of the Rates (Northern Ireland) Order 1977". |
| S.I. 1977/2157<br>(N.I. 28). | The Rates (Northern Ireland) Order 1977.                  | Article 28.  |
| S.I. 1978/1050<br>(N.I. 20). | The Rent (Northern Ireland) Order 1978.                   | Part X.  |
| S.I. 1980/870<br>(N.I. 8).   | The Social Security (Northern Ireland) Order 1980.        | In Schedule 2, in paragraph 12(c) the words in Article 16 of the Supplementary Benefits (Northern Ireland) Order 1977 specified above.<br>In Schedule 3, paragraph 10.   |
| S.I. 1981/156<br>(N.I. 3).   | The Housing (Northern Ireland) Order 1981.                | Articles 18 and 120.   |

EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order makes new provision with respect to the grant of rate rebates, rent rebates and rent allowances.

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