

## 1988 No. 186

## HOUSING; RATES

**The Housing Benefit (General) (Amendment No. 2)  
Regulations (Northern Ireland) 1988**

*Made* . . . . . 20th May 1988

*Coming into operation—*

*regulations 1 and 4(a)* . . . . . 23rd May 1988

*regulations 2, 3, 4(b) and 5* . . . . . 30th May 1988

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 23(6), (7) and (9) of the Social Security (Northern Ireland) Order 1986(a) and of all other powers enabling it in that behalf and with the consent of the Department of the Environment, so far as relates to matters with regard to which such consent is required, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1988 and shall come into operation as follows—

(a) regulations 1 and 4(a) on 23rd May 1988;

(b) regulations 2, 3, 4(b) and 5 on 30th May 1988.

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

*Amendment of regulation 2 of the principal regulations*

2. In regulation 2(1) of the principal regulations (interpretation) in the definition of “premises” for “garden or out-buildings” there shall be substituted “garden and out-buildings”.

*Amendment of regulations 34(1), 37 and 45(1) of the principal regulations*

3. In regulations 34(1), 37 and 45(1) of the principal regulations (capital treated as income, capital limit and calculation of tariff income from capital) for “£6,000” there shall be substituted “£8,000”.

*Amendment of Schedule 4 to the principal regulations*

4. In Schedule 4 to the principal regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) S.I. 1986/1888 (N.I. 18); Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the enabling provisions under which these regulations are made: section 155(3A) was inserted by Article 63(1)

(b) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1988 No. 117

(a) for paragraph 11 there shall be substituted the following paragraph—

“**11.** In the case of a claimant participating in arrangements for training made under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(a) or attending a course at an employment rehabilitation centre established under that section—

(a) any travelling expenses reimbursed to the claimant;

(b) if he is a person to whom regulation 5(5)(b) applies (circumstances in which a person is to be treated as occupying a dwelling as his home), any lodging allowance under section 3(3) of that Act but only for the purposes of assessing entitlement to housing benefit in respect of the dwelling which he normally occupies as his home; and

(c) any training premium under that Act,

but this paragraph, except insofar as it relates to a payment under sub-paragraph (a), (b) or (c), does not apply to any part of any allowance under section 3(3) of that Act.”.

(b) after paragraph 37 there shall be added the following paragraph—

“**38.** Any payment made under arrangements made by the Department to compensate for the loss (in whole or in part) of entitlement to housing benefit.”.

*Amendment of Schedule 5 to the principal regulations*

**5.** In Schedule 5 to the principal regulations (capital to be disregarded) after paragraph 23 there shall be added the following paragraphs—

“**24.** Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner, that dwelling for a period of 26 weeks from the date on which he left that dwelling.

**25.** Any premises or land where the claimant is taking reasonable steps to dispose of those premises or that land, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises or that land.

**26.** Any premises where the claimant has commenced legal proceedings to obtain possession of those premises in order to occupy them as his home, for a period of 26 weeks from the date on which he commenced such proceedings, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

**27.** Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

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(a) 1950 c. 29 (N.I.); section 1(1) was substituted by Article 24 of the Industrial Relations (Northern Ireland) Order 1987 (S.I. 1987/936 (N.I. 9))

28. Any payment made under arrangements made by the Department to compensate for the loss (in whole or in part) of entitlement to housing benefit.”.

Sealed with the Official Seal of the Department of Health and Social Services on 20th May 1988.

(L.S.)

*A. N. Burns*

Assistant Secretary

The Department of the Environment hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment on 20th May 1988.

(L.S.)

*R. E. Aiken*

Assistant Secretary

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#### EXPLANATORY NOTE

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

These regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987. They make a minor amendment to the definition of premises (regulation 2). They raise the capital limit over which a person is not to be entitled to housing benefit, the limit for treating outstanding capital as income and the limit for calculating weekly tariff income, to £8,000 (regulation 3). They also disregard, in the calculation of income, any training premium paid to a person participating in arrangements for training under the Employment and Training Act (Northern Ireland) 1950 and, in the calculation of income and capital, any payment made to compensate for the loss of housing benefit on the introduction of the scheme on 1st April 1988 (regulations 4 and 5). In addition, in the calculation of capital, they disregard the claimant's interest in his former home where he has left that home following his estrangement or divorce from his former partner or in premises or land where he is disposing of his interest therein; or in any premises where he is seeking possession of them in order to occupy them as his home or essential repairs or alterations are required before such occupation, for a period of 26 weeks or longer if reasonable (regulation 5).

The regulations are made before the expiry of 12 months from the commencement of the provisions under which they are made: they are accordingly exempt, by virtue of Article 62(5) of the Social Security (Northern Ireland) Order 1986, from reference to the Social Security Advisory Committee.