

1988 No. 314

HOUSING; RATES

The Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1988

Made 25th August 1988

Coming into operation —

regulations 1, 5 and 6 5th September 1988

regulations 2, 4 and 8 12th September 1988

regulation 7 to the extent that it relates to any case to which regulation (2) applies 1st April 1989

regulation 7 to the extent that it relates to any other case 3rd April 1989

regulation 3 10th April 1989

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(8) and 23(8) 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(b), 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. 3) Regulations (Northern Ireland) 1988 and shall come into operation as follows —

- (a) regulations 1, 5 and 6 on 5th September 1988;
- (b) regulations 2, 4 and 8 on 12th September 1988;
- (c) for the purposes of regulation 7 in any case to which paragraph (2) applies on 1st April 1989;
- (d) for the purposes of regulation 7 in any other case on 3rd April 1989; and
- (e) regulation 3 on 10th April 1989.

(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

(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) See Article 81(5) of the Social Security (Northern Ireland) Order 1986

(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(a).

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation) after the definition of “housing association” there shall be inserted the following definition —

““the Independent Living Fund” means the charitable trust established out of funds provided by the Secretary of State for Social Services for the purpose of providing financial assistance to those persons incapacitated by or otherwise suffering from very severe disablement who are in need of such assistance to enable them to live independently;”.

Amendment of regulation 8 of the principal regulations

3. In regulation 8 of the principal regulations (eligible housing costs) —

(a) paragraph (2)(c) shall be omitted;

(b) in paragraph (3) for “for board and lodging at” there shall be substituted “in respect of a payment made by him in respect of”.

Amendment of regulations 27, 35 and 43 of, paragraph 37 of Schedule 4 to, and paragraph 23 of Schedule 5 to, the principal regulations

4. In the following provisions of the principal regulations after “the Macfarlane Trust” there shall be inserted “or the Independent Living Fund”—

(a) regulation 27(1) (treatment of charitable or voluntary payments);

(b) regulation 35(3) (notional income);

(c) regulation 43(3) (notional capital);

(d) paragraph 37 of Schedule 4 (income other than earnings to be disregarded);

(e) paragraph 23 of Schedule 5 (capital to be disregarded).

Amendment of regulation 51 of the principal regulations

5. In regulation 51(1) of the principal regulations (eligible rent) for “£13·60” there shall be substituted “£14·00”.

Amendment of regulation 53 of the principal regulations

6. In regulation 53(2)(g) of the principal regulations (calculation of grant income) for “£210” there shall be substituted “£220”.

Amendment of Schedule 1 to the principal regulations

7. In Schedule 1 to the principal regulations (ineligible service charges)—

- (a) in paragraph 1(a), at the beginning of head (i) there shall be inserted "subject to paragraph 1A";
- (b) after paragraph 1 there shall be added the following paragraph —

"Amount ineligible for meals

1A.— (1) Where a charge for meals is ineligible to be met by housing benefit under paragraph 1, the amount ineligible in respect of each week shall be the amount specified in sub-paragraphs (2) to (4).

(2) Where the charge includes provision for at least 3 meals a day, the amount shall be—

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| (a) for a single claimant | ... | £12·50; |
| (b) if the claimant is a member of a family— | | |
| (i) for the claimant and for each member of his family aged 16 or over | ... | £12·50, |
| (ii) for each member of his family under age 16 | ... | £6·25. |

(3) Except where sub-paragraph (4) applies, where the charge includes provision for less than 3 meals a day, the amount shall be—

- | | | |
|--|-----|--------|
| (a) for a single claimant | ... | £8·30; |
| (b) if the claimant is a member of a family— | | |
| (i) for the claimant and for each member of his family aged 16 or over | ... | £8·30, |
| (ii) for each member of his family under age 16 | ... | £4·15. |

(4) Where the charge for meals includes the provision of breakfast only, the amount for the claimant and, if he is a member of a family, for the claimant and for each member of his family, shall be £1·50.”;

(c) in paragraphs 2(1) and 3, at the beginning of each of those paragraphs there shall be inserted “Subject to paragraph 1A,”;

(d) in paragraph 5—

- (i) in sub-paragraph (2) for “sub-paragraph (3)” there shall be substituted “sub-paragraphs (2A) and (3),”
- (ii) after sub-paragraph (2) there shall be inserted the following sub-paragraph —

“(2A) Where the accommodation occupied by the claimant or, if he is a member of a family, by the claimant and the members of his family, consists of one room only, the amount ineligible to be met by housing benefit in respect of each week where heating only is, or heating and either hot water or lighting (or both) are, provided, shall be one half of the aggregate of the amounts specified in sub-paragraph (2)(a), (b) and (c).”

- (iii) in sub-paragraph (3) after “sub-paragraph (2)” there shall be inserted “or (2A)”.

Amendment of Schedule 5 to the principal regulations

8. In Schedule 5 to the principal regulations (capital to be disregarded), in paragraph 24 —

- (a) the existing provision shall be numbered as sub-paragraph (1);
- (b) after sub-paragraph (1) there shall be added the following sub-paragraph —

“(2) In this paragraph “dwelling” includes any garage, garden and outbuildings, which were formerly occupied by the claimant as his home, together with any agricultural land adjoining that dwelling and any land not adjoining that dwelling which it is impracticable or unreasonable to sell separately.”.

Sealed with the Official Seal of the Department of Health and Social Services on 25th August 1988.

(L.S.)

P. A. Conliffe

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 25th August 1988.

(L.S.)

J. Kirk

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987 to provide, in the calculation of income and capital, for the disregard of payments made to the incapacitated and very severely disabled out of the Independent Living Fund (regulations 2 and 4); in the calculation of a student's grant income, for an increase in the disregard for books and equipment (regulation 6); and, in the calculation of capital, for the disregard of a claimant's interest in his former dwelling to include any garage, garden and outbuildings, together with any agricultural land adjoining that dwelling and any land not adjoining that dwelling which it is impracticable or unreasonable to sell separately (regulation 8).

They also provide for housing benefit to be payable to persons in board and lodging accommodation (regulation 3); increase the deductions in a student's eligible rent (regulation 5); and provide for deductions to be made from eligible rent in respect of meals or where the accommodation consists of one room, in respect of fuel charges for heating, hot water or lighting (regulation 7).

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.

1988 No. 315**Road Races (Glenariff Hill Climb) Order
(Northern Ireland) 1988**

This Order, being of a temporary character, is not printed at length in this volume.