

## 1990 No. 137

## HOUSING; RATES; SOCIAL SECURITY

**The Income-Related Benefits (Miscellaneous Amendments)  
Regulations (Northern Ireland) 1990**

<i>Made</i>	29th March 1990
<i>Coming into operation—</i>	
<i>for the purposes of regulation 1</i>	1st April 1990
<i>for the purposes of regulation 4</i>	
<i>to the extent that it relates</i>	
<i>to any case referred to in</i>	
<i>regulation 1(2)</i>	1st April 1990
<i>to the extent that it relates to</i>	
<i>any other case</i>	2nd April 1990
<i>for the purposes of regulations 2,</i>	
<i>3 and 5</i>	9th April 1990

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 23(6), (7), (8) and (9)(d) and 52(1)(b) and (l) 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, without having referred any proposals on the matter to the Social Security Advisory Committee since it appears to the Department of Health and Social Services that by reason of the urgency of the matter it is inexpedient to do so(c), hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Income-Related Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1990 and shall come into operation as follows—

- (a) regulation 1 on 1st April 1990;
  - (b) regulation 4 in any case to which paragraph (2) applies on 1st April 1990, and in any other case on 2nd April 1990;
  - (c) regulations 2, 3 and 5 on 9th April 1990.
- (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

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(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

(c) See Article 62(1)(a) 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 Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(a);
- “the Family Credit Regulations” means the Family Credit (General) Regulations (Northern Ireland) 1987(b);
- “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(c); and
- “the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(d).

#### *Amendment of the Claims and Payments Regulations*

2.—(1) Regulation 6 of the Claims and Payments Regulations (date of claim) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1) for “Subject to paragraphs (3), (4) and (5)” there shall be substituted “Subject to paragraphs (3) to (7)”.

(3) After paragraph (5) there shall be added the following paragraphs—

“(6) Where—

(a) on or after 9th April 1990 a person satisfies the capital condition in Article 23(6) of the Order for income support and he would not have satisfied that condition had the amount prescribed under regulation 45 of the Income Support (General) Regulations (Northern Ireland) 1987 been £6,000; and

(b) a claim for that benefit is received from him in an appropriate office not later than 27th May 1990,

the claim shall be treated as made on the date determined in accordance with paragraph (7).

(7) For the purposes of paragraph (6), where—

(a) the claimant satisfies the other conditions of entitlement to income support on the date on which he satisfies the capital condition, the date shall be the date on which he satisfied that condition;

(b) the claimant does not satisfy the other conditions of entitlement to income support on the date on which he satisfies the capital condition, the date shall be the date on which he satisfies the conditions of entitlement to that benefit.”.

#### *Amendment of the Family Credit Regulations*

3.—(1) The Family Credit Regulations shall be amended in accordance with paragraph (2).

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(a) S.R. 1987 No. 465; the relevant amending regulations are S.R. 1988 No. 141 and S.R. 1989 No. 398  
 (b) S.R. 1987 No. 463; to which there are amendments not relevant to these regulations  
 (c) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1988 Nos. 186 and 424  
 (d) S.R. 1987 No. 459; to which there are amendments not relevant to these regulations

(2) In regulations 25(1), 28 and 36(1) (capital treated as income, capital limit and calculation of tariff income from capital) for “£6,000” there shall be substituted “£8,000”.

#### *Amendment of the Housing Benefit Regulations*

4.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulations 34(1), 37 and 45(1) (capital treated as income, capital limit and calculation of tariff income from capital) for “£8,000” there shall be substituted “£16,000”.

(3) In regulation 65 (date on which entitlement is to commence)—

(a) in paragraph (1) for “paragraph (2)” there shall be substituted “paragraphs (2) and (3)”;

(b) after paragraph (2) there shall be added the following paragraph—  
 “(3) Where a person’s claim is treated as made on a date determined in accordance with regulation 72(16), he shall be entitled to housing benefit from the benefit week in which the claim is treated as made.”

(4) In regulation 72 (time and manner in which claims are to be made)—

(a) in paragraph (5) at the beginning there shall be inserted “Subject to paragraphs (10), (15) and (16),”;

(b) after paragraph (14) there shall be added the following paragraphs—  
 “(15) Where—

(a) on or after 1st April 1990 a claimant satisfies the capital condition in Article 23(6) of the Order for housing benefit and he would not have satisfied that condition had the amount prescribed under regulation 37 been £8,000; and

(b) a claim for that benefit is received from him at the appropriate office or the designated office not later than 27th May 1990, the claim shall be treated as made on the date determined in accordance with paragraph (16).

(16) For the purposes of paragraph (15), where—

(a) the claimant satisfies the other conditions of entitlement to housing benefit in the benefit week in which he satisfies the capital condition, the date shall be the date on which he satisfied that condition;

(b) the claimant does not satisfy the other conditions of entitlement to housing benefit in the benefit week in which he satisfies the capital condition, the date shall be the first day of the benefit week in which he satisfies the conditions of entitlement to that benefit.”

#### *Amendment of the Income Support Regulations*

5.—(1) The Income Support Regulations shall be amended in accordance with paragraph (2).

(2) In regulations 41(1), 45 and 53(1) (capital treated as income, capital limit and calculation of tariff income from capital) for “£6,000” there shall be substituted “£8,000”.

Sealed with the Official Seal of the Department of Health and Social Services on 29th March 1990.

(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 29th March 1990.

(L.S.)

*W. N. Campbell*

Assistant Secretary

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

These regulations further amend the Family Credit (General) Regulations (Northern Ireland) 1987, the Housing Benefit (General) Regulations (Northern Ireland) 1987, the Income Support (General) Regulations (Northern Ireland) 1987 and the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.

They raise to £8,000 for family credit and income support, and to £16,000 for housing benefit, the capital limit over which a person is not to be entitled to benefit, the limit for treating outstanding capital as income and the limit for calculating weekly tariff income (regulations 3(2), 4(2) and 5(2)). They also make provision, where a person becomes entitled to housing benefit or income support as a result of the increase in the capital limit, for backdating a claim made not later than 27th May 1990 to the date on which he satisfied the entitlement conditions for benefit and for entitlement to housing benefit to begin from the benefit week in which that date falls (regulations 2 and 4(3) and (4)).

In so far as these regulations are required, for the purposes of regulation 4, to be referred to the Social Security Advisory Committee under section 10(1) of the Social Security Act 1980 (c. 30) ("the 1980 Act"), they have not been so referred by virtue of Article 62(1)(a) of the Social Security (Northern Ireland) Order 1986. Otherwise the regulations correspond 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 10(2) of, and paragraph 21 of Schedule 3 to, the 1980 Act, are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.