

## 1991 No. 176

## HOUSING; RATES

**The Housing Benefit (General) (Amendment No. 3)  
Regulations (Northern Ireland) 1991***Made**30th April 1991*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1)(c), 22(7), 30 and 52(1)(b) of the Social Security (Northern Ireland) Order 1986(a) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment(b) so far as relates to matters with regard to which such consent is required, and after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it(c), hereby makes the following regulations:

*Citation and interpretation*

1.—(1) These regulations may be cited as the Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1991.

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

*Amendment of regulation 2 of the principal regulations*

2. In regulation 2(1) of the principal regulations (interpretation) after the definition of “non-dependant deduction” there shall be inserted the following definition—

“ “the normal regional rate” has the meaning assigned to it by Article 27(6) of the Rates (Northern Ireland) Order 1977(e);”.

*Amendment of regulation 72 of the principal regulations*

3. In regulation 72 of the principal regulations (time and manner in which claims are to be made)—

(a) in paragraph (5) after “paragraphs” there shall be inserted “(5A),”;

(b) after paragraph (5) there shall be inserted the following paragraph—

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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)(b) of the Social Security (Northern Ireland) Order 1986
- (d) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1990 No. 137 and S.R. 1991 No. 47
- (e) S.I. 1977/2157 (N.I. 28)

- “(5A) Where, in respect of payments by way of rates—
- (a) a claimant satisfies the conditions for entitlement to housing benefit in respect of a period beginning on or after 1st April 1991;
  - (b) makes a claim for housing benefit for that period; and
  - (c) that claim is made not later than 56 days after there has been served on him a demand which is expressed to take account of the provisions of the Rates (Regional Rate) Order (Northern Ireland) 1991(a),
- the claim shall be treated as having been made on the first day of the period in respect of which he satisfies the conditions for entitlement to housing benefit and for which the claim is made.”.

*Amendment of regulation 79 of the principal regulations*

4. In regulation 79 of the principal regulations (review of determinations)—

- (a) in paragraph (1) at the beginning there shall be inserted “Subject to paragraph (1A),”;
- (b) after paragraph (1) there shall be inserted the following paragraph—

“(1A) Where the change of circumstances is a reduction of the normal regional rate in consequence of Article 3 of the Rates (Regional Rate) Order (Northern Ireland) 1991 the appropriate authority shall review all determinations or decisions of a Review Board awarding benefit in respect of rates before the reduction was made under that Order and shall determine the benefit due in respect of the reduced amount of the rates in each case.”.

*Substitution of regulation 98 of the principal regulations*

5. For regulation 98 of the principal regulations (meaning of overpayment) there shall be substituted the following regulation—

*“Meaning of overpayment*

98. In this Part “overpayment” means any amount which has been paid by way of housing benefit and to which there was no entitlement under these regulations including any excess of rebate (whether on initial determination or as subsequently revised on review or further review) and includes any excess which arises by reason of—

- (a) any amount paid on account under regulation 91 which exceeds the entitlement to housing benefit as subsequently determined; or
- (b) a reduction in the amount of the normal regional rate in consequence of Article 3 of the Rates (Regional Rate) Order (Northern Ireland) 1991.”.

*Amendment of regulation 99 of the principal regulations*

6. In regulation 99 of the principal regulations (recoverable overpayments) after paragraph (3) there shall be added the following paragraph—

“(4) Paragraph (2) shall not apply with respect to overpayments to which regulation 98(b) refers.”.

*Revocations*

7. Regulation 64(1) of the principal regulations (minimum housing benefit) is hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 30th April 1991.

(L.S.)

*C. Davie*

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 30th April 1991.

(L.S.)

*W. N. Campbell*

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 in the following respects—

- (a) they specify the circumstances in which claims for housing benefit made after 1st April 1991 shall be treated as having been made earlier on a date on or after 1st April 1991 (regulation 3);
- (b) they require that where the normal regional rate is reduced in consequence of the Rates (Regional Rate) Order (Northern Ireland) 1991 (“the 1991 Order”) awards of housing benefit in respect of that rate shall be reviewed by the appropriate authority (regulation 4);
- (c) they provide that housing benefit awarded in excess of a person’s entitlement following a reduction of the normal regional rate in consequence of the 1991 Order shall be recoverable (regulations 5 and 6);
- (d) they revoke the provision prescribing the minimum amount of housing benefit payable in the form of a rate rebate (regulation 7).