

1994 No. 138

SOCIAL SECURITY

**The Income Support (General) (Amendment)
Regulations (Northern Ireland) 1994**

Made 8th April 1994

Coming into operation 2nd May 1994

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(a) and 131(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Income Support (General) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 2nd May 1994.

(2) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of Schedule 3 to the Income Support (General) Regulations

2. In Schedule 3 to the Income Support (General) Regulations (Northern Ireland) 1987(c) (housing costs) after paragraph 5 (circumstances in which no amount of housing costs may be met) there shall be inserted the following paragraph—

“Other housing costs which are not met

5A.—(1) Subject to sub-paragraphs (2) to (12), the housing costs referred to in paragraph 1(a), (aa) and (b) (eligible housing costs) shall not be met during the relevant period where those costs were incurred—

- (a) after 2nd May 1994, and
- (b) during that same relevant period.

(2) The “relevant period” is any period during which the person who incurred the cost is either—

- (a) entitled to income support, or
- (b) living as a member of a family one of whom is entitled to income support,

(a) 1992 c. 7

(b) 1954 c. 33 (N.I.)

(c) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 Nos. 318 and 431, S.R. 1990 No. 131 and S.R. 1993 Nos. 28, 373 and 479

together with any linked period that is to say a period falling between two such periods of entitlement to income support separated by not more than 26 weeks; and for the purposes of this paragraph two or more periods of entitlement and any intervening linked periods form a single relevant period.

(3) Where in the relevant period, before the housing costs referred to in sub-paragraph (1) were incurred (“the new liability”), housing costs of a kind referred to in paragraph 1(a), (aa) or (b) were applicable in the case of the claimant or a member of his family (“the former liability”) then, in sub-paragraph (1), the housing costs which are not to be met are such costs, except those costs mentioned in sub-paragraphs (4) and (5)—

(a) except in a case to which head (b) applies, as are equal to an amount (if any) by which the new liability exceeds the former liability, and

(b) where—

(i) the former liability has remained and the new liability was incurred in addition to the former liability, and

(ii) paragraph 4(6) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) does not apply in respect of the former liability and the new liability,

as are equal to the amount of the new liability.

(4) The housing costs mentioned in this sub-paragraph are any housing costs in excess of the former liability which are attributable solely to movements in interest rates, and not to an increase in the amount borrowed.

(5) The housing costs mentioned in this sub-paragraph are those met under paragraph 8 (interest on loans for repairs and improvements to the dwelling occupied as the home), but as if for head (k) in paragraph 8(3) there was substituted the following head—

“(k) provision of separate sleeping accommodation for children of different sexes aged 10 or over who are part of the same family as the claimant.”

(6) Notwithstanding sub-paragraph (1), the housing costs shall be met in accordance with the provisions of this Schedule in the case of a claimant who satisfies the conditions specified in sub-paragraph (7), (8), (9) or (10), but—

(a) subject to any additional limitations imposed by the sub-paragraph, and

(b) where the claimant satisfies the conditions in more than one of those sub-paragraphs, only one sub-paragraph shall apply in his case and the one that applies shall be the one most favourable to him.

(7) The conditions specified in this sub-paragraph are that—

(a) during the relevant period the claimant or a member of his family acquires an interest (“the relevant interest”) in a dwelling which he then occupies as his home, and

- (b) in the week preceding the week in which the relevant interest was acquired, housing benefit was payable to the claimant or a member of his family;

so however that the amount to be met in accordance with this Schedule shall initially not exceed the aggregate of—

- (i) the housing benefit payable for that week, and
- (ii) any amount included in the applicable amount of the claimant or a member of his family in accordance with regulation 17(1)(e) or 18(1)(f) in that week,

and shall be increased subsequently only to the extent that it is necessary to take account of any increase, arising after the date of the acquisition, in expenditure on housing costs.

(8) The conditions specified in this sub-paragraph are that the loan was taken out, or an existing loan increased, either—

- (a) to make adaptations to an existing property to meet the special needs of a disabled person, or
- (b) to acquire alternative accommodation more suited to the special needs of a disabled person than the accommodation which was occupied before the acquisition by the claimant;

and in this sub-paragraph a disabled person is a person in respect of whom a disability premium, disabled child premium, higher pensioner premium or pensioner premium for persons aged 75 or over is included in his applicable amount or would be so included but for his failure to satisfy other conditions of entitlement to income support.

(9) The conditions specified in this sub-paragraph are that—

- (a) the loan commitment increased in consequence of the disposal of the dwelling occupied as the home and the acquisition of an alternative such dwelling, and
- (b) the change of dwelling was made solely by reason of the need to provide separate sleeping accommodation for children of different sexes aged 10 or over who are part of the same family as the claimant.

(10) The conditions specified in this sub-paragraph are that—

- (a) during the relevant period the claimant or a member of his family acquires an interest (“the relevant interest”) in a dwelling which he then occupies as his home, and
- (b) in the week preceding the week in which the relevant interest was acquired, the applicable amount of the claimant or a member of his family included an amount determined in accordance with paragraph 1(c) to (g);

so however that the amount to be met in accordance with this Schedule shall initially not exceed the amount so determined, and shall be increased subsequently only to the extent that it is necessary to take account of any increase, arising after the date of the acquisition, in expenditure on housing costs.

(11) Sub-paragraph (1) shall not apply in relation to—

- (a) any accumulated arrears of interest whenever accumulated, and
- (b) any interest on a loan for service charges imposed to meet the cost of repairs and improvements to the dwelling occupied as the home:

(12) Paragraphs 6 to 12 shall have effect subject to the provisions of this paragraph.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 8th April 1994.

(L.S.)

W. G. Purdy

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend provisions in Schedule 3 to the Income Support (General) Regulations (Northern Ireland) 1987 which relate to housing costs.

Regulation 2 inserts a new paragraph 5A in Schedule 3 to those regulations and provides that payments made on loans taken out whilst the claimant or a member of his family is entitled to income support will not be met. A number of exceptions are made to this provision. They include loans taken out to meet the special needs of a disabled person (paragraph 5A(8)).

These regulations make in relation to Northern Ireland only provision corresponding 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.