

---

STATUTORY RULES OF NORTHERN IRELAND

---

**1996 No. 111**

**The Housing Benefit (General) (Amendment  
No. 2) Regulations (Northern Ireland) 1996**

**Substitution of regulation 11 of the principal Regulations**

7. For regulation 11 of the principal Regulations (restrictions on unreasonable payments) there shall be substituted the following regulation—

**“Maximum rent**

**11.**—(1) Where the Executive has made a determination in accordance with Schedule 1A (determination of rent payable) the maximum rent shall be determined in accordance with paragraphs (2) to (15).

(2) In a case where a relevant rent has been determined, but a local reference rent is not required, the maximum rent shall be that relevant rent.

(3) In a case where a local reference rent has been determined, the maximum rent shall not exceed twice that local reference rent.

(4) Subject to the limit specified in paragraph (3), in a case where both a local reference rent and a relevant rent has been determined, and—

(a) the relevant rent is higher than the local reference rent, the maximum rent shall be the local reference rent plus 50 per cent. of the amount by which the relevant rent exceeds the local reference rent;

(b) the local reference rent is higher than the relevant rent, the maximum rent shall be the relevant rent.

(5) Subject to the limit specified in paragraph (3), in a case where a local reference rent has been determined, but a relevant rent has not been determined and the reckonable rent is more than the local reference rent, the maximum rent shall be the local reference rent plus 50 per cent. of the amount by which that reckonable rent exceeds the local reference rent.

(6) In a case where—

(a) the Executive has determined a maximum rent in respect of a dwelling, and

(b) during the benefit period the reckonable rent in respect of that dwelling is reduced to a sum which is less than the reckonable rent at the time that maximum rent was determined,

then on review—

(i) the maximum rent shall not be reduced during that benefit period where that sum is not less than the maximum rent, and

(ii) the maximum rent shall be reduced for the remainder of that benefit period to an amount equal to that sum where that sum is less than the maximum rent.

(7) Subject to paragraph (8), in a case where—

- (a) the Executive has made a determination under regulation 12A(1), and
- (b) subsequent to that determination the reckonable rent for that dwelling is changed, then in determining a maximum rent in relation to a claim for benefit of a claimant who has a liability to make payments in respect of that dwelling, the Executive shall treat the relevant rent or, as the case may be, reckonable rent to be that determined in or, as the case may be, applicable to, that determination referred to in sub-paragraph (a).

(8) Paragraph (7) shall not apply in a case where the reckonable rent is reduced to a figure below the figure that would have been the maximum rent if that reckonable rent had not changed; and where this paragraph applies, the maximum rent shall be the reckonable rent, as so reduced.

(9) In a case where the claimant occupies a dwelling which is the same as that occupied by him at the date of death of any person to whom paragraph 14(b) to (d) applied or, had a claim been made, would have applied, the maximum rent shall be either—

- (a) the maximum rent which applied before the death occurred, or
- (b) in a case where there was no maximum rent, the reckonable rent due before the death occurred,

for a period of 12 months from the date of such a death.

(10) For the purposes of paragraph (9), a claimant shall be treated as occupying the dwelling if regulation 5(8) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home)(1) is satisfied and for that purpose sub-paragraph (b) of that regulation shall be treated as if it were omitted.

(11) In any case where, pursuant to regulation 10(3) (non-eligible payments), the amount of a person's otherwise eligible rent falls to be lessened by any—

- (a) deduction for fuel, or
- (b) deduction for meals,

the maximum rent shall be that determined in accordance with paragraphs (1) to (11) less the amount of any such deductions.

(12) Subject to paragraph (13), where the Executive is satisfied that a person to whom paragraph (14) applies was able to meet the financial commitments for his dwelling when they were entered into, there shall be no maximum rent during the first 13 benefit weeks of the claimant's benefit period.

(13) Paragraph (12) shall not apply where a claimant was previously entitled to benefit in respect of a benefit period which fell wholly or partly less than 52 weeks before the commencement of his current benefit period.

(14) This paragraph applies to the following persons—

- (a) the claimant;
- (b) any member of his family;
- (c) if the claimant is a member of a polygamous marriage, any partners of his and any child or young person for whom he or a partner is responsible and who is a member of the same household;
- (d) subject to paragraph (15), any relative of the claimant or his partner who occupies the same dwelling as the claimant, whether or not they reside with him.

---

(1) Paragraph (8) was amended by regulation 2(2)(b) of S.R. 1995 No. 101

(15) Paragraph (14)(d) shall only apply to a relative who has no separate right of occupation of the dwelling which would enable him to continue to occupy it even if the claimant ceased his occupation of it.

(16) In this regulation—

“deduction for fuel” means any amount of a person’s otherwise eligible rent which is an ineligible service charge by reason of and within the meaning of paragraph 4 of Schedule 1 (ineligible service charges);

“deduction for meals” means any amount of a person’s otherwise eligible rent which is an ineligible service charge by reason of and within the meaning of paragraph 1(a) (i) of Schedule 1(2);

“local reference rent” means the rent determined in accordance with paragraph 4 of Schedule 1A;

“property-specific rent” means the rent determined under paragraph 1(2) of Schedule 1A except where a rent determination has been made under paragraph 3 of that Schedule, when it shall be the latter determination;

“reckonable rent” means those payments, which a person is liable to make in respect of the dwelling which he occupies as his home, and which are eligible, or would, but for this regulation, be eligible for housing benefit plus the amount of any deduction for fuel or deduction for meals, as the case may be, which that person is liable to pay;

“relevant rent” means—

- (a) in a case where both a property-specific rent and a size-related rent, have been determined, whichever rent is the lower of the two, or
- (b) in a case where only a property-specific rent or a size-related rent, as the case may be, has been determined, that rent,

less any amount of such a rent which the Executive has determined pursuant to paragraph 5 of Schedule 1A is attributable to the provision of services which are ineligible to be met by housing benefit, and

“size-related rent” means the rent determined by the Executive under paragraph 2(2) of Schedule 1A.”.