
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 298

HOUSING: RATES

**The Housing Benefit (General) (Amendment)
Regulations (Northern Ireland) 1999**

*Made - - - - 30th June 1999
Coming into operation in accordance with Regulation
1(1)*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(d), 132(3) and (4)(b) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾ and sections 1(1C) and 165(1), (3) and (4) of the Social Security Administration (Northern Ireland) Act 1992⁽²⁾ and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland⁽³⁾ in so far as its consent is required, and after reference to the Social Security Advisory Committee⁽⁴⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation—

- (a) for the purposes of this regulation and regulation 2, on 6th September 1999, and
- (b) for the purposes of regulations 3 to 6, on 4th October 1999.

(2) In these Regulations “the principal Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987⁽⁵⁾.

(3) The Interpretation Act (Northern Ireland) 1954⁽⁶⁾ shall apply to these Regulations as it applies to a Measure of the Assembly.

(1) 1992 c. 7
(2) 1992 c. 8; subsections (1A) to (1C) of section 1 were inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11))
(3) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))
(4) See section 149(2)(b) of the Social Security Administration (Northern Ireland) Act 1992
(5) S.R. 1987 No. 461; relevant amending Rules are S.R. 1991 No. 337, S.R. 1994 No. 274, S.R. 1995 Nos. 89, 129 and 223, S.R. 1996 Nos. 93 and 476, S.R. 1997 Nos. 4, 483 and 515, S.R. 1998 Nos. 2, 8, 73 and 112 and S.R. 1999 No. 50
(6) 1954 c. 33 (N.I.)

Revocation of regulation 2A of the principal Regulations

2. Regulation 2A of the principal Regulations⁽⁷⁾ (dissapplication of section 1(1A) of the Administration (Northern Ireland) Act 1992) shall be revoked.

Amendment of regulation 21 of the principal Regulations

3. In regulation 21(1A) of the principal Regulations⁽⁸⁾ (calculation of income on a weekly basis)

- (a) in sub-paragraph (a) for “£60” there shall be substituted “£70”;
- (b) in sub-paragraph (b) for “£100” there shall be substituted “£105”.

Amendment of regulation 21A of the principal Regulations

4.—(1) Regulation 21A of the principal Regulations⁽⁹⁾ (treatment of child care charges) shall be amended in accordance with paragraphs (2) to (4).

(2) For paragraph (2)⁽¹⁰⁾ there shall be substituted the following paragraphs—

“(2) Relevant child care charges are those charges for care to which paragraphs (2ZA) and (2ZB) apply, and shall be calculated on a weekly basis in accordance with paragraph (3).

(2ZA) The charges are paid by the claimant for care which is provided—

- (a) in the case of any child of the claimant’s family who is not disabled, in respect of the period beginning on, and including, that child’s date of birth and ending on the day preceding the first Monday in September following that child’s fifteenth birthday, or
- (b) in the case of any child of the claimant’s family who is disabled, in respect of the period beginning on, and including, that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday.

(2ZB) The charges are paid for care which is provided by one or more of the care providers listed in paragraph (2ZC) and are not paid—

- (a) in respect of the child’s compulsory education, or
- (b) by a claimant to a partner or by a partner to a claimant in respect of any child for whom either or any of them is responsible in accordance with regulation 14 (circumstances in which a person is treated as responsible or not responsible for another).

(2ZC) The care to which paragraph (2ZB) refers may be provided—

- (a) by persons registered under Article 118 of the Children Order⁽¹¹⁾ (registration of child-minders and persons providing day care);
- (b) out of school hours, by a school on school premises or by an education and library board or a HSS trust—
 - (i) for children who are not disabled in respect of the period beginning on, and including, their twelfth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday, or

(7) Regulation 2A was inserted by regulation 8 of S.R. 1997 No. 483

(8) Paragraph (1A) was inserted by regulation 2(2)(c) and (3) of S.R. 1997 No. 515

(9) Regulation 21A was inserted by regulation 2(3) of S.R. 1994 No. 274; relevant amending Regulations are S.R. 1995 No. 89, S.R. 1996 No. 476, S.R. 1997 No. 515 and S.R. 1998 No. 2

(10) Relevant amending Regulations are S.R. 1995 No. 89, S.R. 1996 No. 476, S.R. 1997 No. 515 and S.R. 1998 No. 8

(11) S.I. 1995/755 (N.I. 2)

- (ii) for children who are disabled in respect of the period beginning on, and including, their twelfth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday;
 - (c) by a child care scheme operating on Crown property where registration under Article 118 of the Children Order is not required, or
 - (d) in schools or establishments which are exempt from registration under Article 118 of the Children Order by virtue of Article 121(1) to (3) of that Order.”.
- (3) In paragraph (2A) after “in any year” there shall be added “and in paragraph (2ZC)(b) “education and library board” means an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(12)”.
- (4) After paragraph (5)(13) there shall be added the following paragraph—
- “(6) For the purposes of paragraph (2), a person is disabled if he is a person—
 - (a) in respect of whom disability living allowance is payable, or has ceased to be payable solely because he is a patient;
 - (b) who is identified as a person who is blind in pursuance of arrangements under section 1(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(14), or
 - (c) who ceased to be so identified as blind within the 28 weeks immediately preceding the date of claim.”.

Amendment of Schedule 3 to the principal Regulations

5. In Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of earnings) after paragraph 15(15) there shall be added the following paragraph—

“16.—(1) In a case where the claimant is a person who satisfies the conditions set out in either sub-paragraph (2) or (3), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (4), the amount of his earnings that falls to be disregarded under paragraphs 3 to 8 shall be increased by a sum equal to either—

- (a) the credit referred to in regulation 46(1)(aa) of the Family Credit Regulations(16) if he satisfies the conditions of sub-paragraph (2), or
- (b) the allowance referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations(17) if he satisfies the conditions of sub-paragraph (3),

and in a case where the claimant satisfies the conditions of both sub-paragraphs (2) and (3), his disregarded earnings shall be increased by the higher of the two sums, or if they are the same, by the amount of the credit referred to in sub-paragraph (a).

- (2) The conditions of this sub-paragraph are that—
- (a) the claimant, or if he is a member of a couple either the claimant or his partner, is a person to whom regulation 46(1)(aa) of the Family Credit Regulations applies, or
- (b) (i) the claimant, or if he is a member of a couple one member of the couple is, or both members are, engaged in remunerative work for on average not less than 30 hours per week, and

(12) S.I. 1986/594 (N.I. 3)

(13) Paragraph (5) was added by regulation 4(b) of S.R. 1995 No. 129

(14) 1978 c. 53

(15) Paragraph 15 was amended by regulation 17 of S.R. 1991 No. 337

(16) Regulation 46(1)(aa) was inserted by regulation 3(3) of S.R. 1995 No. 223

(17) Regulation 51(1)(bb) was inserted by regulation 4(3) of S.R. 1995 No. 223

- (ii) his applicable amount includes a family premium under paragraph 3 (family premium) of Schedule 2(18) (applicable amounts).
- (3) The conditions of this sub-paragraph are that—
- (a) the claimant, or if he is a member of a couple either the claimant or his partner, is a person to whom regulation 51(1)(bb) of the Disability Working Allowance Regulations applies, or
- (b) (i) the claimant, or if he is a member of a couple one member of the couple is, or both members are, engaged in remunerative work for on average not less than 30 hours per week,
- (ii) the claimant's applicable amount includes a higher pensioner or a disability premium under paragraph 10 or 11 (higher pensioner premium or disability premium) of Schedule 2 (applicable amounts) respectively, and
- (iii) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the higher pensioner premium or the disability premium referred to in sub-head (ii) and is engaged in remunerative work for on average not less than 16 hours per week.
- (4) The following are the amounts referred to in sub-paragraph (1)—
- (a) the amount calculated as disregardable from the claimant's earnings under paragraphs 3 to 8;
- (b) the amount of child care charges calculated as deductible under regulation 21(1)(c)(19), and
- (c) (i) in the case of a claimant who satisfies the conditions of sub-paragraph (2), the amount of the credit referred to in regulation 46(1)(aa) of the Family Credit Regulations, or
- (ii) in the case of a claimant who satisfies the conditions of sub-paragraph (3), the amount of the allowance referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations,
- and in a case where the claimant satisfies the conditions of both sub-paragraphs (2) and (3) the higher of the two amounts shall be taken into account, or if they are the same, the amount of the credit referred to in sub-head (i) shall be used.
- (5) The provisions of regulation 4 (remunerative work) shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that regulation was a reference to 30 hours.
- (6) In this paragraph—
- “the Family Credit Regulations” means the Family Credit (General) Regulations (Northern Ireland) 1987(20);
- “the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(21).”.

Amendment of Schedule 4 to the principal Regulations

6. In Schedule 4 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings)(22) at the beginning of paragraphs 60 and 61 there shall be inserted—

(18) Relevant amending Rules are [S.R. 1997 No. 4](#), [S.R. 1998 Nos. 73 and 112](#) and [S.R. 1999 No. 50](#)

(19) Regulation 21(1)(c) was added by regulation 2(2)(b) of [S.R. 1994 No. 274](#)

(20) [S.R. 1987 No. 463](#); relevant amending Regulations are [S.R. 1995 No. 223](#)

(21) [S.R. 1992 No. 78](#); relevant amending Regulations are [S.R. 1995 No. 223](#)

(22) Paragraphs 60 and 61 were added by regulation 2 of [S.R. 1995 No. 223](#) and substituted by regulation 4 of [S.R. 1996 No. 93](#)

“Except in a case which falls under paragraph 16 of Schedule 3 (sums to be disregarded in the calculation of earnings),”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on

L.S.

30th June 1999.

John O'Neill
Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on

L.S.

30th June 1999.

J. Ritchie
Assistant Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987.

Regulation 2 revokes regulations which disapplied the requirements concerning national insurance numbers imposed on persons claiming housing benefit by section 1 of the Social Security Administration (Northern Ireland) Act 1992.

Regulation 3 increases the sum deducted from a person's earnings in respect of child care costs.

Regulation 4 amends the provisions for the treatment of child care charges. The period over which child care charges are calculable is extended by 3 years or, in the case of a disabled person, 4 years. There is a new definition of a "disabled person".

Regulations 5 and 6 change the way in which income and earnings are disregarded in respect of those people who are responsible for children or who are disabled and, in either case, are working 30 hours a week or more. In particular, they replace the existing disregard of family credit and disability working allowance with a disregard of earnings.