
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 215

HOUSING; RATES

The Housing Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations (Northern Ireland) 2001

Made - - - - *18th May 2001*

Coming into operation *2nd July 2001*

The Department for Social Development, in exercise of the powers conferred on it by sections 5(1)(hh), 165(5) and 167 of the Social Security Administration (Northern Ireland) Act 1992(1), Article 74(3) and (5) of the Social Security (Northern Ireland) Order 1998(2) and sections 59 and 60 of, and paragraph 20(1)(b) and (3) of Schedule 7 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(3), and now vested in it(4), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(5), by this statutory rule, which contains only regulations made by virtue of, or consequential upon the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations (Northern Ireland) 2001 and shall come into operation on 2nd July 2001.

(2) In these Regulations “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(6).

(3) The Interpretation Act (Northern Ireland) 1954(7) shall apply to these Regulations as it applies to an Act of the Assembly.

(1) 1992 c. 8; section 5(1)(hh) was inserted by Article 70 of the Social Security (Northern Ireland) Order 1998
(2) S.I.1998/1506 (N.I. 10)
(3) 2000 c. 4 (N.I.)
(4) See Article 8(b) of S.R. 1999 No. 481
(5) 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)); see also Article 6(b) of S.R. 1999 No. 481
(6) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 No. 117, S.R. 1990 Nos. 136 and 345, S.R. 1991 Nos. 47, 176 and 337, S.R. 1992 Nos. 141, 404 and 549, S.R. 1993 Nos. 145 and 381, S.R. 1994 No. 335, S.R. 1995 Nos. 129, 367 and 437, S.R. 1996 Nos. 111, 115, 181, 334, 405 and 448, S.R. 1997 Nos. 4, 22, 452 and 454, S.R. 1998 No. 81, S.R. 1999 Nos. 381 and 416, S.R. 2000 Nos. 1, 71, 109 and 265 and S.R. 2001 Nos. 1, 79, 99, 175 and 176
(7) 1954 c. 33 (N.I.)

Definitions

2. In regulation 2(1) of the Housing Benefit Regulations—

(a) there shall be inserted in the appropriate places the following definitions—

““the Decisions and Appeals Regulations” means the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(8);”;

““relevant authority” means an authority administering housing benefit;”;

(b) for the definition of “person affected”(9) there shall be substituted the following definition—

““person affected” shall be construed in accordance with regulation 3 of the Decisions and Appeals Regulations;”.

Substitution of references to “appropriate authority”

3.—(1) Except in a case where paragraph (2) applies, in the provisions of the Housing Benefit Regulations specified in Schedule 1 for the words “appropriate authority”, wherever they appear, there shall be substituted “relevant authority”.

(2) In regulation 73(5)(10) of, and paragraph 1 of Schedule 6 to, the Housing Benefit Regulations for “an appropriate authority” there shall be substituted “a relevant authority”.

Substitution of references to “determination” and related references

4. In the Housing Benefit Regulations—

(a) in regulation 5—

(i) in paragraph (6)(b) for “that claim has not yet been determined” there shall be substituted “no decision has yet been made on that claim”;

(ii) in paragraph (7)(a)(11) for “which has not yet been determined” there shall be substituted “in respect of which a decision has not yet been made”;

(b) in regulation 10A(12)—

(i) in the heading for “Determinations” there shall be substituted “Decisions”;

(ii) for “determination”, wherever that word appears, there shall be substituted “decision”;

(c) in regulation 11(13)—

(i) in paragraphs (1) to (3A)(14), (4) to (7)(15), (11)(16) and (16)(17) for “determined”, wherever that word appears, there shall be substituted “decided”;

(ii) in paragraphs (1), (7) and (16) for “determination”, wherever that word appears, there shall be substituted “decision”;

(iii) in paragraphs (5D) and (7) for “determining” there shall be substituted “deciding”;

(8) S.R. 2001 No. 213

(9) Definition of “person affected” was amended by regulation 2(b) of S.R. 1994 No. 335 and regulation 4(2)(b) of S.R. 1996 No. 405

(10) Regulation 73(5) was added by regulation 3(7) of S.R. 1995 No. 367

(11) Paragraph (7) was amended by regulation 3(e) of S.R. 1993 No. 145

(12) Regulation 10A was inserted by regulation 6 of S.R. 1996 No. 111

(13) Regulation 11 was substituted by regulation 7 of S.R. 1996 No. 111

(14) Paragraph (3A) was substituted by regulation 4(a) of S.R. 2001 No. 79

(15) Paragraphs (5A) to (5E) were inserted by regulation 5 of S.R. 1999 No. 416

(16) Paragraph (11) was substituted by regulation 4(b) of S.R. 2001 No. 79

(17) In paragraph (16) the definition of “claim-related rent” was inserted by regulation 4(4)(b) of S.R. 2000 No. 1 and the definition of “single room rent” was inserted by regulation 4(f) of S.R. 1996 No. 181

- (d) in regulation 11(1), as saved by regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996⁽¹⁸⁾, for “determined” there shall be substituted “decided”;
- (e) in regulation 12A⁽¹⁹⁾—
 - (i) in the heading for “determinations” there shall be substituted “decisions”;
 - (ii) in paragraphs (1), (2) and (3) for “determination”, wherever that word appears, there shall be substituted “decision”;
 - (iii) in paragraph (4) for “determining” there shall be substituted “deciding”;
- (f) in regulation 72(4)(c)⁽²⁰⁾ for “date of determination of” there shall be substituted “date on which a decision was made on”;
- (g) in regulation 74 for “determination”, in both places where that word appears, there shall be substituted “decision”;
- (h) in regulation 75(1) for “its determination” there shall be substituted “a decision being made on it”;
 - (i) in the heading to Part XI for “Determination of” there shall be substituted “Decisions on”;
- (j) in regulation 76—
 - (i) in the heading for “determination” there shall be substituted “decision”;
 - (ii) in paragraph (2) for “determine” there shall be substituted “make a decision on”;
 - (iii) in paragraph (3) for “Every claim shall be determined by the appropriate authority” there shall be substituted “The relevant authority shall make a decision on each claim”;
- (k) in regulation 77⁽²¹⁾—
 - (i) in the heading for “determinations” there shall be substituted “decisions”;
 - (ii) in paragraph (1) for “determination”, wherever that word appears, there shall be substituted “decision”;
 - (iii) in paragraph (4)⁽²²⁾—
 - (aa) for “determination”, in the first place where that word appears, there shall be substituted “a decision”;
 - (bb) for “as to its determination of” there shall be substituted “for its decision on”;
- (l) in regulation 91—
 - (i) in paragraph (1)⁽²³⁾ for “determine” there shall be substituted “make a decision on” and in sub-paragraph (b) for “determination”, in both places where that word appears, there shall be substituted “decision”;
 - (ii) in paragraph (2) for “subsequent determination” there shall be substituted “subsequent decision”;
 - (iii) in paragraph (3) for “subsequent determination” there shall be substituted “the basis of the subsequent decision”;

⁽¹⁸⁾ S.R. 1996 No. 111; relevant amending Regulations are S.R. 1996 Nos. 405 and 448, S.R. 1998 No. 324 and S.R. 1999 No. 416

⁽¹⁹⁾ Regulation 12A was inserted by regulation 9 of S.R. 1996 No. 111

⁽²⁰⁾ Regulation 72(4)(c) was amended by regulation 13(a) of S.R. 1996 No. 334

⁽²¹⁾ Regulation 77 was numbered (1) by regulation 8(a) of S.R. 1988 No. 117

⁽²²⁾ Paragraph (4) was added by regulation 9 of S.R. 1992 No. 141

⁽²³⁾ Paragraph (1) was amended by regulation 13 of S.R. 1996 No. 111

- (m) in regulation 94(1A)(24) for “determination of” there shall be substituted “making of a decision on”;
- (n) in regulation 97(1A)(25) for “determination” there shall be substituted “decision”;
- (o) in regulation 98(a)(26) for “determined” there shall be substituted “decided”;
- (p) in regulation 104(1)(b) and (3)(27) for “determination” there shall be substituted “decision”;
- (q) in paragraph 10 of Schedule A1(28) and in the heading to that paragraph for “notice of determination” there shall be substituted “the decision notice”;
- (r) in Schedule 1A(29)—
 - (i) in the heading to—
 - (aa) that Schedule, and
 - (bb) Part I of that Schedule,

for “Determinations” there shall be substituted “Decisions”;

- (ii) for “determination”, wherever that word appears, there shall be substituted “decision”;
- (iii) for “determine”, wherever that word appears, there shall be substituted “decide”;
- (iv) for “determines”, wherever that word appears, there shall be substituted “decides”;
- (v) for “determined”, wherever that word appears, there shall be substituted “decided”;
- (vi) in paragraph 3(4) for “determining” there shall be substituted “deciding”;
- (s) in Schedule 1B(30)—
 - (i) subject to sub-paragraph (ii), for “determination”, wherever that word appears, there shall be substituted “decision”;
 - (ii) in paragraph 2(3)(c)(31) for “(size and rent determinations)” there shall be substituted “(size and rent)”.

Substitution of references to “review” and related references

5. In the Housing Benefit Regulations—

- (a) in regulation 11(6) for “review” there shall be substituted “revision”;
- (b) in regulation 36(5)(32) for “review”, in both places where that word appears, there shall be substituted “revision”;
- (c) in regulation 97(1)—
 - (i) for “determination which is subsequently revised upon review or further review” there shall be substituted “decision which is subsequently revised or further revised”;
 - (ii) for “determination”, in both other places where that word appears, there shall be substituted “decision”;

(24) Regulation 94(1A) was inserted by regulation 7(a) of S.R. 1996 No. 181

(25) Regulation 97(1A) was inserted by regulation 2 of S.R. 2000 No. 265

(26) Regulation 98 was substituted by regulation 5 of S.R. 1991 No. 176

(27) Regulation 104 was substituted by regulation 5 of S.R. 2000 No. 265

(28) Schedule A1 was inserted by regulation 6 of S.R. 1996 No. 448

(29) Schedule 1A was inserted by regulation 15 of, and Schedule 1 to, S.R. 1996 No. 111 and relevant amending Regulations are S.R. 1996 No. 181 and S.R. 2000 No. 1

(30) Schedule 1B was inserted by regulation 15 of S.R. 1996 No. 111; relevant amending Regulations are S.R. 1996 No. 181 and S.R. 2001 No. 79

(31) Paragraph 2(3)(c) was amended by regulation 7 of S.R. 1998 No. 81

(32) Regulation 36(5) was added by regulation 11(c) of S.R. 1993 No. 381

- (d) in regulation 98 for “initial determination or as subsequently revised on review or further review” there shall be substituted “the initial decision as subsequently revised or further revised”;
- (e) in regulation 99(4A)(33)—
 - (i) for “reviewed” there shall be substituted “revised”;
 - (ii) for “date of the review” there shall be substituted “date on which the revision took place”.

Amendment of Schedule 6 to the Housing Benefit Regulations

- 6. In Schedule 6 to the Housing Benefit Regulations(34)—
 - (a) in the heading for “Notice of Determination” there shall be substituted “Decision Notice”;
 - (b) subject to sub-paragraph (g), for “notice of determination”, wherever those words appear, there shall be substituted “decision notice”;
 - (c) except in a case to which sub-paragraph (b) applies, for “determination”, wherever that word appears, there shall be substituted “decision”;
 - (d) in paragraph 1 for “79 (review of determinations)” there shall be substituted “in regulation 10 of the Decisions and Appeals Regulations”;
 - (e) in paragraph 3 for “written representations in accordance with regulation 79(2)” there shall be substituted “an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations and, where appropriate, to appeal against that decision”;
 - (f) in paragraph 4 for “written representations in accordance with regulation 79(2)” there shall be substituted “an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations”;
 - (g) for paragraph 5 there shall be substituted the following paragraph—

“Every decision notice following an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations shall, if the original decision has been revised, include a statement as to the right of any person affected by that decision to apply for a revision in accordance with regulation 4(1)(a) of those Regulations and the manner and time in which to do so.”;
 - (h) in paragraph 8—
 - (i) for “review” there shall be substituted “revision”;
 - (ii) in sub-paragraph (b) for “written representations in accordance with regulation 79(2)” there shall be substituted “an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations”;
 - (iii) for “reviewed” there shall be substituted “revised”.

Evidence and information

- 7. In regulation 73 of the Housing Benefit Regulations—
 - (a) for paragraph (1)(35) there shall be substituted the following paragraphs—

(33) Regulation 99(4A) was added by regulation 14(b) of S.R. 1991 No. 337

(34) Relevant amending Regulations are S.R. 1992 No. 141 and S.R. 1997 No. 454

(35) Paragraph (1) was amended by regulation 7 of S.R. 1988 No. 117, regulation 8(a) of S.R. 1992 No. 141 and regulation 7(e) of S.R. 1996 No. 448

“(1) Subject to paragraph (1A) and to paragraph 5 of Schedule A1 (treatment of claims for housing benefit by refugees: evidence and information), a person who makes a claim, or a person to whom housing benefit has been awarded, shall furnish such certificates, documents, information and evidence in connection with the claim or the award, or any question arising out of the claim or the award, as may reasonably be required by the relevant authority in order to determine that person’s entitlement to, or continuing entitlement to, housing benefit and shall do so within 4 weeks of being required to do so or such longer period as the relevant authority may consider reasonable.

(1A) Nothing in this regulation shall require a person to furnish any certificates, documents, information or evidence relating to a payment to which paragraph (3) applies.”;

- (b) in paragraph (2)(a) after “claimant” there shall be inserted “or the person to whom housing benefit has been awarded”;
- (c) in paragraph (4)(36) after “claimant” there shall be inserted “or a person to whom housing benefit has been awarded”.

Other consequential amendments

8. In the Housing Benefit Regulations—

- (a) in regulation 68—
 - (i) in paragraph (1)(37) for “or regulation 68A” there shall be substituted “, regulation 68A or regulation 8(3) of the Decisions and Appeals Regulations”;
 - (ii) at the beginning of paragraph (2) there shall be inserted “Except in a case where regulation 8(3) of the Decisions and Appeals Regulations applies,”;
- (b) in regulation 96(1)(38) “, including any payment withheld under regulation 95(1) or (2) (withholding of benefit),” shall be omitted;
- (c) for regulation 99(3)(39) there shall be substituted the following paragraph—

“(3) In paragraph (2) “overpayment caused by official error” means an overpayment caused by a mistake made whether in the form of an act or omission by—

 - (a) the relevant authority;
 - (b) an officer or person acting for that authority;
 - (c) an officer of—
 - (i) the Department;
 - (ii) the Department of Higher and Further Education, Training and Employment;
 - (iii) the Commissioners of the Inland Revenue, acting as such; or
 - (d) a person providing services to either Department or to the Commissioners referred to in sub-paragraph (c),

where the claimant, a person acting on his behalf or any other person to whom the payment is made, did not cause or materially contribute to that mistake, act or omission.”.

(36) Paragraph (4) was added by regulation 3(7) of [S.R. 1995 No. 367](#)

(37) Paragraph (1) was amended by paragraph 3(1) of Schedule 2 to [S.R. 2001 No. 176](#)

(38) Paragraph (1) was amended by regulation 12(a) of [S.R. 1992 No. 404](#)

(39) Paragraph (3) was amended by regulation 13 of [S.R. 1997 No. 22](#) and regulation 8(4) of [S.R. 2001 No. 175](#)

Revocations

9. The provisions of the Housing Benefit Regulations specified in Schedule 2 shall be revoked.

Maximum housing benefit: consequential amendments

10.—(1) In regulation 61 of the Housing Benefit Regulations⁽⁴⁰⁾—

- (a) paragraphs (2), (2A), (3) and (4) shall be omitted;
- (b) paragraph (1) shall be renumbered “61.”.

(2) In paragraph 7 of Schedule A1 to the Housing Benefit Regulations—

- (a) in sub-paragraph (1) “Subject to sub-paragraph (2),” shall be omitted;
- (b) sub-paragraph (2) shall be omitted;
- (c) sub-paragraph (1) shall be renumbered “7.”.

Sealed with the Official Seal of the Department for Social Development on 18th May 2001.

L.S.

John O'Neill
Senior Officer of the
Department for Social Development

The Department of Finance and Personnel hereby consents to the foregoing Regulations.
Sealed with the Official Seal of the Department of Finance and Personnel on 18th May 2001.

L.S.

David Sterling
Senior Officer of the
Department of Finance and Personnel

⁽⁴⁰⁾ Regulation 61 was amended by regulation 7 of S.R. 1990 No. 345, regulation 6 of S.R. 1992 No. 549, regulation 10 of S.R. 1996 No. 111 and regulation 5 of S.R. 2001 No. 79

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SCHEDULE 1

Regulation 3(1)

Substitution of references to “appropriate authority” in the Housing Benefit Regulations

Definition of “designated office” in regulation 2(1)

Regulation 11(2)(41), (4) and (6) (as saved by regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996)

Regulation 12(1) (as saved by regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996 and regulation 5(3), of the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1997(42))

Regulation 20(1)

Regulation 22(2) and (3)

Regulation 31(7)

Regulation 35(2B)(43), (4), (4A)(44), (4C)(45), (5) and (5A)(46)

Regulation 50(3)

Regulation 60

Regulation 62A(1A)(47)

Regulation 66(1), (2) and (4)

Regulation 67(1)(48)

Regulation 71(1) and (3) to (6)

Regulation 72(1) to (4), (7), (8), (10), (11), (13)(49) and (13A)(50)

Regulation 73(2), (4) and (5)(51)

Regulation 76(1), (4)(52) and (5)(53)

Regulation 88

Regulation 96(1), (3) and (5)(54)

Regulation 99(4A)(55)

Regulation 103(1)

Regulation 104(1) and (3)(56)

Schedule A1—

heading to paragraph 2(57)

(41) Regulation 11(2) was amended by regulation 2(a) of S.R. 1991 No. 47

(42) S.R. 1997 No. 170 to which there are amendments not relevant to these Regulations

(43) Regulation 35(2B) was inserted by regulation 3(4)(b) of S.R. 1995 No. 367

(44) Regulation 35(4A) was inserted by regulation 5(a) of S.R. 1995 No. 129

(45) Regulation 35(4C) was inserted by regulation 3(a) of S.R. 1997 No. 4

(46) Regulation 35(5A) was inserted by regulation 4(b) of S.R. 2000 No. 109

(47) Regulation 62A was inserted by regulation 3 of S.R. 1996 No. 115 and paragraph (1A) was inserted by regulation 4(2)(b) of S.R. 1999 No. 381

(48) Regulation 67 was amended by regulation 9 of S.R. 1990 No. 136 and renumbered (1) by regulation 12(a) of S.R. 1996 No. 334

(49) Regulation 72(13)(c) was added by regulation 4(3)(a)(iii) of S.R. 1999 No. 381 and amended by regulation 4 of S.R. 2001 No. 99

(50) Regulation 72(13A) was inserted by regulation 4(3)(b) of S.R. 1999 No. 381

(51) Regulation 73(4) and (5) was added by regulation 3(7) of S.R. 1995 No. 437

(52) Regulation 76(4) was added by regulation 5 of S.R. 1996 No. 115

(53) Regulation 76(5) was added by regulation 4(4)(b) of S.R. 1999 No. 381

(54) Regulation 96(5) was added by regulation 12(c) of S.R. 1992 No. 404

(55) Regulation 99(4A) was added by regulation 14(b) of S.R. 1991 No. 337

(56) Regulation 104 was substituted by regulation 5 of S.R. 2000 No. 265

(57) Paragraph 2 was substituted by regulation 6(5)(b) of S.R. 2000 No. 71

paragraph 2(1) and (2)

heading to paragraph 2 (as saved by regulation 11 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000⁽⁵⁸⁾)

paragraph 2(1) and (2) (as saved by regulation 11 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000)

paragraph 3(2)

paragraph 5

paragraph 6 (in the substitute paragraph (1) of regulation 75)

paragraph 8(3)

Schedule 5A⁽⁵⁹⁾—

paragraph 2

Schedule 6—

paragraph 4

paragraph 12(b)

SCHEDULE 2

Regulation 9

Revocation of Provisions in the Housing Benefit Regulations

Regulation 2(2)

Regulation 78

Regulation 79

Regulation 81

Regulation 82

Regulation 83

Regulation 84

Regulation 85

Regulation 86

Regulation 87

Regulation 95

Regulation 96A⁽⁶⁰⁾

Schedule 7

⁽⁵⁸⁾ S.R. 2000 No. 71

⁽⁵⁹⁾ Schedule 5A was inserted by regulation 6 of S.R. 1996 No. 115

⁽⁶⁰⁾ Regulation 96A was inserted by regulation 5 of S.R. 1997 No. 452

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make consequential provision in the Housing Benefit (General) Regulations (Northern Ireland) 1987 (“the Housing Benefit Regulations”) in consequence of the coming into operation of section 59 of, and Schedule 7 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (“the Act”) which introduces new arrangements for decision making in relation to housing benefit and also upon section 60 of that Act which introduces a new scheme of discretionary financial assistance for those receiving housing benefit.

Regulation 2 inserts certain definitions into the Housing Benefit Regulations.

Regulation 3 and Schedule 1 substitute references to “appropriate authority” with references to “relevant authority”.

Regulation 4 modifies references to determinations in those Regulations and regulation 5 does the same in respect of references to reviews.

Regulation 6 amends Schedule 6 to those Regulations which deals with the formalities for notifications of decisions.

Regulation 7 amends the provisions relating to what evidence and information must be provided when submitting a claim for housing benefit.

Regulation 8 makes other consequential amendments relating to the coming into operation of section 59 of the Act and regulation 10 makes similar amendments relating to the coming into operation of section 60 of that Act.

Regulation 9 and Schedule 2 revoke various provisions.

The enabling provisions in the Act, under which these Regulations are made, were brought into operation, for the purpose only of authorising the making of regulations, on 22nd November 2000 by virtue of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 1) Order (Northern Ireland) 2000 (S.R. 2000 No. 358 (C. 16)).

As these Regulations are made by virtue of, or are consequential upon, provisions of the Act and are made before the end of the period of 6 months from the commencement of those provisions, they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992, from prior reference to the Social Security Advisory Committee.

These Regulations do not impose any charge on business.