

2003 No. 418

HOUSING; RATES

**The Housing Benefit (State Pension Credit and
Miscellaneous Amendments) Regulations
(Northern Ireland) 2003**

Made - - - - - 23rd September 2003

Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred by the provisions specified in the Schedule to these Regulations and now vested in it(a), section 132A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b) and paragraphs 3(1), 4(3) and (5) and 20(1) and (3) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(c) and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(d), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (State Pension Credit and Miscellaneous Amendments) Regulations (Northern Ireland) 2003 and shall come into operation –

- (a) for the purposes of this regulation and regulation 2, on 5th October 2003;
- (b) for all other purposes on 6th October 2003.

(2) In these Regulations –

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

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(g);

“the State Pension Credit Regulations” means the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(h);

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

(a) See Article 8(b) of S.R. 1999 No. 481

(b) 1992 c. 7; section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.))

(c) 2000. c. 4 (N. I.)

(d) 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

(e) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(f) S.R. 2001 No. 213; relevant amending Regulations are S.R. 2002 No. 80 and S.R. 2003 No. 224

(g) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1996 No. 334, S.R. 2000 No. 369 and S.R. 2002 No. 295

(h) S.R. 2003 No. 197

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

Amendment of the State Pension Credit Regulations

2.—(1) The State Pension Credit Regulations shall be amended in accordance with paragraphs (2) to (14).

(2) In regulation 3(1)(d) (interpretation) in the definition of “board and lodging accommodation” for “that the person to who” there shall be substituted “than the person to whom”.

(3) After regulation 3 there shall be added the following regulation –

“Modification of regulation 4

3A. In regulation 4 (remunerative work), after paragraph (5A)(a), there shall be inserted the following paragraph –

“(5B) Paragraph (5) shall not apply for the purposes of regulation 27 (treatment of child care charges) or paragraph 9 of Schedule 3A (sums disregarded from claimant’s earnings).”.

(4) In regulation 6 (applicable amounts) –

(a) in paragraph (1), in substituted regulation 16(3) (applicable amounts)(b) –

(i) in sub-paragraph (a) after “partner” there shall be inserted “and is not a lone parent”, and

(ii) after sub-paragraph (a) there shall be inserted the following sub-paragraph –

“(aa) is a lone parent, the applicable amount shall be an amount equal to the standard reduction, increased by such of the amounts specified in sub-paragraphs (b) to (e) of paragraph (1) as apply in his case;”, and

(b) in paragraph (2) –

(i) in paragraph 6(2)(b)(ii) (severe disability premium) of the new Schedule 2A (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit), for the words from “one” to “marriage are” there shall be substituted “, each other member of that marriage is”, and

(ii) in paragraph 8 (disabled child premium) of that new Schedule 2A, after sub-paragraph (b) there shall be added the following sub-paragraph –

“, or

(c) is a child or a young person in respect of whom section 141A of the Contributions and Benefits Act(c) applies for the purposes of entitlement to child benefit, but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the claimant’s applicable amount immediately before the death of that child.”.

(5) In regulation 8 (income and capital) –

(a) in substituted regulation 23(4) (calculation of claimant’s income and capital in savings credit only cases) –

(i) in sub-paragraph (b), head (iv) shall be omitted;

(ii) after sub-paragraph (e), there shall be added the following sub-paragraph –

“(f) any income, in excess of £10, which falls to be disregarded under the provisions of paragraph 1 of the Second Schedule.”;

(b) in substituted regulation 25(1) (meaning of “income”) –

(i) in sub-paragraph (e) after “under” insert “Part I of”;

(ii) in sub-paragraph (o) for “, and” there shall be substituted “,;”;

(iii) after sub-paragraph (p) there shall be added the following sub-paragraphs –

“(q) any income in lieu of that specified in sub-paragraphs (a) to (n), and

(r) any payment of rent or, as the case may be, rates made to a claimant who –

(a) Paragraph (5A) was inserted by regulation 12(3) of S.R. 2000 No. 369

(b) Regulation 16, in so far as it applies to any person who has attained the qualifying age for state pension credit, is substituted by regulation 6 of S.R. 2003 No. 197 and amended by regulation 4(2) of S.R. 2003 No. 261

(c) Section 141A was inserted by section 55(1)(b) of the Tax Credits Act 2002 (c. 21)

- (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
 - (ii) occupies part of the property, and
 - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent or, as the case may be, rates.”;
- (c) in substituted regulation 27(11)(c) (treatment of child care charges) for “statutory adoption pay under section 167ZL(a) of that Act or qualifying support.” there shall be substituted “or statutory adoption pay under section 167ZL of that Act.”;
- (d) in substituted regulation 27(12) for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs –
 - “(b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date entitlement ends, or
 - (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of working tax credit ends.”;
- (e) in substituted regulation 27, for paragraph (13) there shall be substituted the following paragraph –

“(13) In paragraph (12), “child care element” of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element)(b).”;
- (f) in substituted regulation 30(1) (earnings of employed earners) –
 - (i) in sub-paragraph (i) for “Part XIIZA” there shall be substituted “section 167ZA or 167ZB(c)”;
 - (ii) in sub-paragraph (j) for “Part XIIZB” there shall be substituted “section 167ZL”;
- (g) in substituted regulation 31(5)(a) (calculation of net earnings of employed earners) “, 257A(1)” shall be omitted.
- (6) In regulation 10 (continuing payments where state pension credit claimed) –
 - (a) “10.—(1)” shall be renumbered “10.”;
 - (b) in inserted regulation 62B (continuing payments where state pension credit claimed), in paragraph (5)(a) for “rent has increased” substitute “rent, or as the case may be, rates have increased”.
- (7) Regulation 11 (amendment of regulation 63) shall be omitted.
- (8) After regulation 12 (application of Schedule 2) for the heading “PART IV” there shall be substituted “PART 4”.
- (9) In regulation 13 (date on which change of circumstances is to take effect) –
 - (a) in paragraph 3 –
 - (i) in added paragraph (9)(b), for the words from “since” to “anniversary date” there shall be substituted “either”;
 - (ii) in added paragraph (10) for the words from “the next anniversary date” to the end there shall be substituted “the effective date.”;
 - (iii) for added paragraph (11) there shall be substituted the following paragraph –

“(11) In paragraph (10) but subject to paragraph (12), “the effective date” means –

 - (a) where more than one change of a kind referred to in paragraph (9)(b) relating to the same non-dependant has occurred since –
 - (i) the date on which the claimant’s entitlement to housing benefit first began, or

(a) Section 167ZL was inserted by Article 6 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))
 (b) 2002 c. 21
 (c) Section 167ZA and 167ZB were inserted by Article 5 of the Employment (Northern Ireland) Order 2002

- (ii) the date which was the last effective date in respect of such a change, whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;
- (b) where sub-paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in paragraph (9)(b) occurred.”, and
- (iv) in added paragraph (12) –
 - (aa) for “sub-paragraphs (a) to (c)” there shall be substituted “paragraph (11)”;
 - (bb) for “anniversary date” there shall be substituted “effective date”, and
 - (cc) for “those paragraphs” there shall be substituted “that paragraph”;
- (b) in paragraph (4), in inserted regulation 68B –
 - (i) in paragraph (1), for “(2) to (8)” there shall be substituted “(2) to (4)”;
 - (ii) in paragraph (2) –
 - (aa) for “results in an increase” there shall be substituted –
 - “results in –
 - (a) an increase”, and
 - (bb) after “increased rate” there shall be inserted –
 - “, or
 - (b) a decrease in the rate at which housing benefit is payable to him, the change shall take effect from the first day of the benefit week next following the date on which –
 - (i) the relevant authority receives notification from the Department of the increase in the amount of state pension credit, or
 - (ii) state pension credit is increased,
 - whichever is the later.”;
 - (iii) in paragraph (3)(b) for the words from “on which” to the end there shall be substituted –
 - “on which –
 - (i) the relevant authority receives notification from the Department of the reduction in the amount of state pension credit, or
 - (ii) state pension credit is reduced,
 - whichever is the later.”;
 - (iv) in paragraphs (5) and (6) –
 - (aa) for “the change of circumstances is” there shall be substituted “a change of circumstances occurs in”, and
 - (bb) for “has resulted” there shall be substituted “would result”, and
 - (v) in paragraph (5) for the words “on which” to the end there shall be substituted –
 - “on which –
 - (a) the relevant authority receives notification from the Department of the award of state pension credit, or
 - (b) entitlement to state pension credit begins,
 - whichever is the later.”;
 - (vi) in paragraph (6) for “a decrease” there shall be substituted “an increase”.

(10) In regulation 14 (time claims are made or treated as made) –

 - (a) in paragraph (a)(ii) for “(aa)” there shall be substituted “(a)” and inserted sub-paragraph “(aaa)” shall be renumbered “(aa)”;
 - (b) in paragraph (b), in inserted paragraph (10A) for “the age of 59 years and 35 weeks” there shall be substituted “the qualifying age for state pension credit, or who, or whose partner, will attain that age not more than 17 weeks after the date of his claim”.

(11) In regulation 15 (notification of change of circumstances) in paragraph (b), in added paragraph (6)(b) “, child special allowance” shall be omitted.

(12) In regulation 16 (decisions) in paragraph (2), in inserted sub-paragraph (2)(b), for “, child benefit or child special allowance” there shall be substituted “or child benefit”.

(13) In regulation 18(2) (minor amendments), sub-paragraph (a) shall be omitted.

(14) In Schedule 2 (disregards) –

(a) in the First Schedule (which is to have effect as Schedule 3A to the Housing Benefit Regulations) –

(i) in paragraph 3, for sub-paragraph (3) there shall be substituted the following sub-paragraph –

“(3) If –

(a) any of the earnings of the claimant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1), and

(b) either of them has, or they both have, other earnings,

so much of those other earnings as would not, in aggregate with the earnings disregarded under that sub-paragraph, exceed £20.”;

(ii) in paragraph 4(1), after “claimant or” these shall be inserted “, if he has a partner,”;

(iii) in paragraph 9(1), for the words from “a sum” to the end there shall be substituted “£11.90.”;

(iv) in paragraph 9(2)(b)(i) for the words from “or if” to “partner are” there shall be substituted “or any partner of his is”, and

(v) in paragraph 9(3), for head (c), there shall be substituted the following head –

“(c) £11.90.”;

(b) in the Second Schedule (which is to have effect as Schedule 4A to the Housing Benefit Regulations) –

(i) in paragraph 3 for “paragraphs 1 and 2 relate” there shall be substituted “paragraph 2 relates”;

(ii) in paragraph 22, for the words from “the amount” to the end there shall be substituted “£11.90.”;

(iii) after paragraph 22 there shall be inserted the following paragraphs –

“**23.** Any special war widows payment made under –

(a) the Naval and Marine Pay and Pensions (Special War Widows Payment) Order 1990 made under section 3 of the Naval and Marine Pay and Pensions Act 1865(**a**);

(b) the Royal Warrant dated 19th February 1990 amending the Schedule to the Army Pensions Warrant 1977(**b**);

(c) the Queen’s Order dated 26th February 1990 made under section 2 of the Air Force (Constitution) Act 1917(**c**);

(d) the Home Guard War Widows Special Payments Regulations 1990 made under section 151 of the Reserve Forces Act 1980(**d**);

(e) the Orders dated 19th February 1990 amending Orders made on 12th December 1980 concerning the Ulster Defence Regiment made in each case under section 140 of the Reserve Forces Act 1980(**e**);

and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under the provisions mentioned in sub-paragraphs (a) to (e).

24. Where the total value of any capital specified in Part II of Schedule 5ZA does not exceed –

(a) in the case of a claimant residing permanently in accommodation to which regulation 25(5) applies, £10,000, or

(a) 1865 c. 73; copies of the Order are available from the Ministry of Defence

(b) Army Code No. 13045 published by HMSO

(c) 1917 c. 51; Queen’s Regulations for the Royal Air Force are available from HMSO

(d) 1980 c. 9; copies of the Regulations are available from the Ministry of Defence

(e) Army Code No. 60589 published by HMSO

- (b) in any other case, £6,000,
any income actually derived from such capital.”.
- (c) in Part I of the Third Schedule (which is to have effect as Schedule 5ZA of the Housing Benefit Regulations) –
- (i) in paragraph 14(1), for “where one of the partners” there shall be substituted “who is”;
 - (ii) in paragraph 14(1)(a) “is” shall be omitted;
 - (iii) in paragraph 14(1)(b), before “was” there shall be inserted “a diagnosed person’s partner or”;
 - (iv) in paragraph 14(1)(c) “is” shall be omitted;
 - (v) in paragraph 14(2) after “Where” there shall be inserted “ a trust payment is made to”;
 - (vi) in paragraph 14(2)(a) for “sub-paragraph (1)(a) or (b) applies, it” there shall be substituted “a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph” and for “the partner” there shall be substituted “that person”;
 - (vii) in paragraph 14(2)(b) for “sub-paragraph (1)(c) applies, it” there shall be substituted “a person referred to in sub-paragraph (1)(c), that sub-paragraph”;
 - (viii) in paragraph 14(3) for “where one of the partners” there shall be substituted “who is”;
 - (ix) in paragraph 14(3)(a) “is” shall be omitted;
 - (x) in paragraph 14(3)(b) before “was” there shall be inserted “a diagnosed person’s partner or”;
 - (xi) in paragraph 14(3)(c) “is” shall be omitted;
 - (xii) in paragraph 14(4), after “Where” there shall be inserted “a payment as referred to in sub-paragraph (3) is made to”;
 - (xiii) in paragraph 14(4)(a), for “sub-paragraph (3)(a) or (b) applies, it” there shall be substituted “a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph” and for “the partner” there shall be substituted “that person”;
 - (xiv) in paragraph 14(4)(b), for “sub-paragraph (3)(c) applies, it” there shall be substituted “a person referred to in sub-paragraph (3)(c), that sub-paragraph”;
 - (xv) in paragraph 14(6) for “Creutzfeldt”, in both places where it appears, there shall be substituted “Creutzfeldt”;
 - (xvi) in paragraph 16(5)(b)(ii) after “in place” there shall be inserted “of”;
 - (xvii) in paragraph 21(1), for “sub-paragraph (3)” there shall be substituted “paragraph 21A”, and after paragraph (c) there shall be inserted –
“cc) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 21A, being an amount to which that paragraph does not apply;”;
 - (xviii) in paragraph 21(2) heads (g) and (i) shall be omitted;
 - (xix) in paragraph 21(2) for head (j) there shall be substituted the following head –
“(j) an increase of a disablement pension under section 104 of the Contributions and Benefits Act (increase where constant attendance needed), and any further increase of such a pension under section 105 of that Act (increase for exceptionally severe disablement);”;
 - (xx) in paragraph 21(2)(k) after “severe disablement” there shall be inserted “or need for constant attendance”;
 - (xxi) in paragraph 21, sub-paragraphs (3) and (4) shall be omitted;
 - (xxii) after paragraph (21), there shall be inserted the following paragraph –
“**21A.**—(1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error relating to a relevant benefit and has been received by the claimant in full on or after the day on which he became entitled to benefit under these Regulations.

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under –

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987 (a);
- (b) paragraph 12(2) of Schedule 7 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (b);
- (c) paragraph 8(2)(c) of Schedule 5 to the Housing Benefit Regulations, or
- (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations (d),

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) shall have effect until the award comes to an end.

(4) In this paragraph –

“the award”, except in sub-paragraph (2) means –

- (a) the award of benefit under these Regulations during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received, and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the claimant –
 - (i) is the person who received the relevant sum;
 - (ii) is the partner of that person, or
 - (iii) was the partner of that person at the date of his death,

“official error” –

- (a) where the error relates to housing benefit, has the meaning given by regulation 1(2) of the Decisions and Appeals Regulations, and
- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(e),

“the relevant date” means –

- (a) in the case of an existing award of benefit under these Regulations, 6th October 2003, and
- (b) in any other case, the date on which the claim for benefit under these Regulations was made,

“relevant benefit” means any benefit specified in paragraph 21(2), and

“the relevant sum” means the payment referred to in sub-paragraph (1) or the total amount referred to in sub-paragraph (2).”;

(xx) after paragraph 25, there shall be inserted –

“25A. The dwelling occupied as the home; but only one dwelling shall be disregarded under this paragraph.”.

Amendment of the Housing Benefit Regulations

3.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 4(5) (remunerative work)(f), after the words “income support”, there shall be inserted “, state pension credit”.

(a) S.R. 1987 No. 459; paragraph 7(2) of Schedule 10 was added by regulation 2(b) of S.R. 2002 No. 295
 (b) S.R. 1996 No. 198; paragraph 12(2) of Schedule 7 was added by regulation 4 of S.R. 2002 No. 295
 (c) Sub-paragraph (2) was added by regulation 3 of S.R. 2002 No. 295
 (d) S.R. 2003 No. 28; paragraph 20A of Schedule 5 was inserted by regulation 23(9)(b) of S.R. 2003 No. 191
 (e) S.R. 1999 No. 162
 (f) Regulation 4(5) was amended by regulation 3 of S.R. 1996 No. 334

- (3) In regulation 63 (non-dependant deductions) –
 - (a) in paragraph (7), after sub-paragraph (d), there shall be inserted the following sub-paragraph –
 - “(dd) he is a full-time student and the claimant or his partner has attained the age of 65, or”;
 - (b) in paragraph (8), after sub-paragraph (b), there shall be added the following sub-paragraph –
 - “(c) a rate rebate in respect of a non-dependant who is on state pension credit and would not be treated as being in remunerative work, if they were not in receipt of that benefit.”.

Amendment of the Decisions and Appeals Regulations

4.—(1) The Decisions and Appeals Regulations shall be amended in accordance with paragraphs (2) to (5).

- (2) In regulation 1(2) (interpretation) –
 - (a) after the definition of “the Fraud Act”(a) there shall be inserted the following definition –
 - “ “ the 1998 Order” means the Social Security (Northern Ireland) Order 1998(b);”;
 - (b) after the definition of “Decisions and Appeals Regulations 1999” there shall be inserted the following definition –
 - “ “ family” has the same meaning as in section 133 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(c);”.

(3) In regulation 4 (revision of decisions), after paragraph (6A)(d) there shall be inserted the following paragraph –

- “(6B) Where –
 - (a) the relevant authority makes an original decision awarding housing benefit to the claimant, and
 - (b) entitlement to a relevant benefit within the meaning of Article 9(3) of the 1998 Order or of an increase in the rate of that relevant benefit is awarded to the claimant or a member of his family for a period which includes the date on which the original decision took effect,

the relevant authority may revise or further revise the original decision at any time.

(6C) Where entitlement to housing benefit has ceased (“decision A”) because entitlement to a relevant benefit within the meaning of Article 9(3) of the 1998 Order has ceased (“decision B”), decision A may be revised at any time if the entitlement to the relevant benefit to which decision B applies has been reinstated in consequence of a decision made under paragraph 4 of Schedule 7 to the Act or on an appeal under paragraph 6 of that Schedule .”.

(4) In regulation 7(2) (decisions superseding earlier decisions) after paragraph (g)(e) there shall be added the following paragraph –

- “(h) where –
 - (i) the claimant has been awarded entitlement to housing benefit, and
 - (ii) subsequent to the first day of the period to which that entitlement relates, the claimant or a member of his family becomes entitled to an award of a relevant benefit within the meaning of Article 9(3) of the 1998 Order or an increase in the rate of that relevant benefit.”.

(5) In regulation 8 (date from which a decision superseding an earlier decision takes effect) after paragraph (10)(f) there shall be added the following paragraph –

(a) Definition inserted by regulation 8(2) of S.R. 2002 No. 80
 (b) S.I. 1998/1506 (N.I. 10)
 (c) 1992 c. 7
 (d) Paragraph (6A) was inserted by regulation 8(3) of S.R. 2002 No. 80
 (e) Paragraph (g) was added by regulation 8(4) of S.R. 2002 No. 80
 (f) Paragraph (10) was added by regulation 4(3) of S.R. 2003 No. 224

“(11) Where the decision is superseded in accordance with regulation 7(2)(h) the superseding decision shall take effect from the date on which entitlement arises to the relevant benefit referred to in regulation 7(2)(h)(ii) or to an increase in the rate of that relevant benefit.”.

Sealed with the Official Seal of the Department for Social Development on 23rd September 2003.

(L.S.)

D. A. Baker

Senior Officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to these Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 23rd September 2003.

(L.S.)

Jack Layberry

Senior Officer of the Department of Finance and Personnel

SCHEDULE

PROVISIONS CONFERRING POWERS EXERCISED IN MAKING THESE REGULATIONS

Column (1) <i>Short title</i>	Column (2) <i>Provision</i>	Column (3) <i>Relevant Amendments</i>
Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	Section 122(1)(d)	Tax Credits Act 2002 Schedule 6
	Section 129(4)	
	Section 131(5) and (6)	
	Section 132(3), (4), (5)(b)	
Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 133(2)(c), (d) and (k)	Jobseekers (Northern Ireland) Order 1995 (S.I. Schedule 2, paragraph 18(3))
	Section 171(1), (3) and (4)	
	Section 5(1)(b)	
Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))	Section 165(1) and (4)	
	Section 34(2)	
	Section 74(1) and (3)	

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend Rules which make provision concerning Housing Benefit under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), in connection with the introduction of State Pension Credit under the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) on 6th October 2003.

Regulation 2 amends the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003 (“the 2003 Regulations”) which make provision as respects entitlement to Housing Benefit in relation to persons who have attained the qualifying age for state pension credit. Many of the amendments are made in consequence of amendments made to the State Pension Credit Regulations (Northern Ireland) 2003 (S.R. 2003 No. 28). Amendments are made in particular in relation to the treatment of persons as being, or not being, in remunerative work; the determination of the applicable amount in the case of a person who is a lone parent; the determination of the disabled child premium in a case where the child has recently died; the treatment as income of amounts received by the claimant from sub-letting; for statutory paternity pay and statutory adoption pay to be treated in the same way and statutory maternity pay in the calculation of child care charges; to make further provision in connection with deductions to be made in relation to non-dependants living in the household; and to provide for the date on which changes of circumstances are to have effect. Changes are also made in the provision in the First Schedule set out in Schedule 2 to the 2003 Regulations for specified categories of earnings to be disregarded (in particular in relation to couples where one partner is in a specified occupation); in the Second Schedule set out in that Schedule 2 for other income to be disregarded (in particular specified payments to war widows and war widowers); and in the Third Schedule set out in that Schedule 2 for capital to be disregarded (in particular in relation to compensation payments received in respect of the non-payments of certain benefits). Regulation 2 also makes minor and technical amendments in the 2003 Regulations.

Regulation 3 amends the Housing Benefit (General) Regulations (Northern Ireland) 1987 in connection with the treatment of persons on state pension credit as being, or not being, in remunerative work for certain specified purposes.

Regulation 4 amends the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001 to make further provision in relation to the revision, and further revision, of decisions awarding housing benefit which are affected by a change in a person’s entitlement to another benefit, and for the supersession of such decisions, including provision for the date on which the superseding decision is to take effect.

These Regulations do not impose any charge on business.

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