

SCHEDULE 2

Regulation 5

Consequential amendments

Amendment of the Income Support (General) Regulations

1.—(1) The Income Support (General) Regulations (Northern Ireland) 1987⁽¹⁾ shall be amended in accordance with sub-paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “housing benefit expenditure”⁽²⁾ for “regulations 9(1) and 10(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “regulations 12(1) and 13(1) of the Housing Benefit Regulations”; and

(b) after the definition of “housing benefit expenditure” insert—

““the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006;”.

(3) In regulation 51A(3)(b)⁽³⁾ (diminishing notional capital rule) for “the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “the Housing Benefit Regulations”.

(4) In Schedule 3⁽⁴⁾ (housing costs)—

(a) in paragraph 17(2)—

(i) in head (a) for “paragraph 5(2) of Schedule 1 to the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “paragraph 6(2) of Schedule 1 to the Housing Benefit Regulations”, and

(ii) in head (b) for “paragraph 1 of Schedule 1 to the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “paragraph 1 of Schedule 1 to the Housing Benefit Regulations”; and

(b) in paragraph 18(7)(e) for “regulation 63 of the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “regulation 72 of the Housing Benefit Regulations”.

(5) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) in paragraph 5⁽⁵⁾ for “regulation 7B of the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “regulation 10A of the Housing Benefit Regulations⁽⁶⁾”.

(6) In Schedule 10 (capital to be disregarded) in paragraph 46⁽⁷⁾ for “regulation 7B of the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “regulation 10A of the Housing Benefit Regulations”.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987⁽⁸⁾ shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of “guarantee credit”⁽⁹⁾ insert—

(1) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 346, S.R. 1995 No. 301, S.R. 1996 No. 449, S.R. 1997 No. 22 and S.R. 2005 No. 98

(2) The definition of “housing benefit expenditure” was substituted by regulation 4(1) of S.R. 1997 No. 22

(3) Regulation 51A was inserted by regulation 4 of S.R. 1990 No. 346

(4) Schedule 3 was substituted by regulation 2 of S.R. 1995 No. 301

(5) Paragraph 5 was amended by regulation 2(5)(a) of S.R. 1996 No. 449 and regulation 3(2) of S.R. 2005 No. 98

(6) See, for regulation 10A, paragraph 2(1) of Schedule 4 to these Regulations

(7) Paragraph 46 was added by regulation 2(6) of S.R. 1996 No. 449

(8) S.R. 1987 No. 465; relevant amending Rules are S.R. 1988 No. 67, S.R. 1991 No. 488, S.R. 1999 No. 472 (C. 36), S.R. 2003 No. 191 and S.R. 2005 No. 46

(9) The definition of “guarantee credit” was inserted by regulation 3(a)(iii) of S.R. 2003 No. 191

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“the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006;

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006;”.

(3) In regulation 33(1A)(10) (persons unable to act) for “regulation 71(3) of the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “regulation 80(3) of the Housing Benefit Regulations or, as the case may be, regulation 61(3) of the Housing Benefit (State Pension Credit) Regulations”.

(4) In Schedule 8A(11) (deductions from benefits and direct payment to third parties)—

(a) in paragraph 1—

(i) omit the definition of “the Housing Benefit Regulations”, and

(ii) in the definition of “rent” after “the Housing Benefit Regulations” insert “or, as the case may be, in the Housing Benefit (State Pension Credit) Regulations”;

(b) in paragraph 4A(12)—

(i) in sub-paragraph (3)(a) after “the Housing Benefit Regulations” insert “or, as the case may be, to the Housing Benefit (State Pension Credit) Regulations”, and

(ii) omit sub-paragraph (4); and

(c) in paragraph 5(13)—

(i) in sub-paragraph (2)—

(aa) for “sub-paragraphs (3) and (7)” substitute “sub-paragraph (7)”; and

(bb) for “regulation 10(3) of the Housing Benefit Regulations” substitute “regulation 13(3) of the Housing Benefit Regulations or, as the case may be, of the Housing Benefit (State Pension Credit) Regulations”, and

(ii) omit sub-paragraph (3).

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations

3.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(14) shall be amended in accordance with sub-paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation)—

(a) for the definition of “Housing Benefit Regulations” substitute—

““Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006;

“Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006;”; and

(b) in paragraph (b) of the definition of “non-dependant”—

(10) Paragraph (1A) was inserted by regulation 5(7)(a) of S.R. 2005 No. 46

(11) Schedule 8A was inserted by regulation 2(3) of S.R. 1988 No. 67

(12) Paragraph 4A was inserted by regulation 6(7)(d) of S.R. 1991 No. 488 and amended by Article 9(2) of S.R. 1999 No. 472 (C. 36)

(13) Sub-paragraphs (2) and (3) were amended by Article 9(2) of S.R. 1999 No. 472 (C. 36)

(14) S.R. 1992 No. 341; relevant amending Regulations are S.R. 1995 Nos. 162 and 475. See also S.R. 2001 No. 18 as amended by S.R. 2003 No. 91

- (i) for “regulation 3 of the Housing Benefit Regulations” substitute “regulation 3 of the Housing Benefit Regulations or, as the case may be, of the Housing Benefit (State Pension Credit) Regulations”; and
 - (ii) for “regulation 10 of those regulations” substitute “regulation 13 of either of those Regulations”.
- (3) In regulation 11 (protected income)—
 - (a) in paragraph (1)(b)(15) for “regulation 63 of the Housing Benefit Regulations” substitute “regulation 72 of the Housing Benefit Regulations or, as the case may be, regulation 53 of the Housing Benefit (State Pension Credit) Regulations”; and
 - (b) in paragraph (6) for “regulation 9 of the Housing Benefit Regulations” substitute “regulation 12 of the Housing Benefit Regulations or, as the case may be, of the Housing Benefit (State Pension Credit) Regulations”.
- (4) In regulation 15 (amount of housing costs)—
 - (a) in paragraph (2) for “regulations 10 and 69 of the Housing Benefit Regulations” substitute “regulations 13 and 78 of the Housing Benefit Regulations or, as the case may be, regulations 13 and 59 of the Housing Benefit (State Pension Credit) Regulations”; and
 - (b) in paragraph (5)(16) for “regulation 10 of the Housing Benefit Regulations” substitute “regulation 13 of the Housing Benefit Regulations or, as the case may be, of the Housing Benefit (State Pension Credit) Regulations”.
- (5) In regulation 18(3) (excessive housing costs) for “regulation 10 of the Housing Benefit Regulations” substitute “regulation 13 of the Housing Benefit Regulations or, as the case may be, of the Housing Benefit (State Pension Credit) Regulations”.
- (6) In Schedule 3 (eligible housing costs) in paragraph 6(17)—
 - (a) for sub-paragraphs (a) and (b) substitute—
 - “(a) where the costs are inclusive of ineligible service charges within the meaning of paragraph 1(a)(i) of Schedule 1 to the Housing Benefit Regulations or, as the case may be, to the Housing Benefit (State Pension Credit) Regulations, the amounts specified as ineligible in paragraph 2 of the appropriate Schedule 1;
 - (b) where the costs are inclusive of any of the items mentioned in paragraph 6(2) of Schedule 1 to the Housing Benefit Regulations or, as the case may be, to the Housing Benefit (State Pension Credit) Regulations, the deductions prescribed in that paragraph unless the parent provides evidence on which the actual or approximate amount of the service charge for fuel may be estimated, in which case the estimated amount; and”;
 - (b) in sub-paragraph (c) for “the Housing Benefit Regulations (housing costs)” substitute “the Housing Benefit Regulations or, as the case may be, to the Housing Benefit (State Pension Credit) Regulations”.

Amendment of the Jobseeker’s Allowance Regulations

4.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(18) shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation)—

(15) Paragraph (1)(b) was amended by regulation 9(7)(a)(ii) of S.R. 1995 No. 162 and regulation 4(5)(a)(i) of S.R. 1995 No. 475

(16) Paragraph (5) was amended by regulation 4(6) of S.R. 1995 No. 475

(17) Paragraph 6 was amended by regulation 4(9)(b) of S.R. 1995 No. 475

(18) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 No. 22

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- (a) in the definition of “housing benefit expenditure”(19) for “regulations 9(1) and 10(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “regulations 12(1) and 13(1) of the Housing Benefit Regulations”; and
- (b) after the definition of “housing benefit expenditure” insert—
 - ““the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006;”.
- (3) In regulation 114(3)(b) (diminishing notional capital rule) for “the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “the Housing Benefit Regulations”.
- (4) In Schedule 2 (housing costs)—
 - (a) in paragraph 16(2)—
 - (i) in head (a) for “paragraph 5(2) of Schedule 1 to the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “paragraph 6(2) of Schedule 1 to the Housing Benefit Regulations”, and
 - (ii) in head (b) for “the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “the Housing Benefit Regulations”; and
 - (b) in paragraph 17(7)(e) for “regulation 63 of the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “regulation 72 of the Housing Benefit Regulations”.

Amendment of the Social Security Benefit (Computation of Earnings) Regulations

5. In paragraph 8(a) of Schedule 2 to the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(20) (child care charges to be deducted in the calculation of earnings) for head (ii) substitute—

- “(ii) a higher pensioner premium by virtue of the satisfaction of paragraph 11(2)(b) of Schedule 4 to the Housing Benefit Regulations (Northern Ireland) 2006, on account of the other member’s incapacity or regulation 25(1)(c) of those Regulations (treatment of child care charges) applies in that person’s case;”

Amendment of the New Deal Orders

6. In the Schedule to—
- (a) the New Deal (Miscellaneous Provisions) Order (Northern Ireland) 1998(21);
 - (b) the New Deal Pilot for 25 Plus (Miscellaneous Provisions) Order (Northern Ireland) 1999(22);
 - (c) the New Deal (Miscellaneous Provisions) Order (Northern Ireland) 2001(23); and
 - (d) the New Deal (Lone Parents) (Miscellaneous Provisions) Order (Northern Ireland) 2001(24),
- for “The Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute—
- “The Housing Benefit Regulations (Northern Ireland) 2006
The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006”.

(19) The definition of “housing benefit expenditure” was substituted by regulation 4(2) of S.R. 1997 No. 22

(20) S.R. 1996 No. 520, to which there are amendments not relevant to these Regulations

(21) S.R. 1998 No. 127

(22) S.R. 1999 No. 278

(23) S.R. 2001 No. 110

(24) S.R. 2001 No. 423

Amendment of the Housing Benefit (Decisions and Appeals) Regulations

7.—(1) The Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001⁽²⁵⁾ shall be amended in accordance with sub-paragraphs (2) to (7).

(2) In regulation 1(2) (interpretation) for the definition of “Housing Benefit Regulations” substitute—

““Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006;

“Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006;”.

(3) In regulation 3(1) (person treated as a person affected by a decision) for sub-paragraphs (c) to (e) substitute—

“(c) a person appointed by the relevant authority under regulation 80(3) of the Housing Benefit Regulations or, as the case may be, regulation 61(3) of the Housing Benefit (State Pension Credit) Regulations (who may claim);

(d) a person from whom the relevant authority determines that an overpayment is recoverable in accordance with Part XIII of the Housing Benefit Regulations or, as the case may be, Part XII of the Housing Benefit (State Pension Credit) Regulations; or

(e) a landlord or agent acting on behalf of that landlord and that decision is made under—
(i) regulation 92 or 93 of the Housing Benefit Regulations (circumstances in which payment is or may be made to a landlord or the Department of Finance and Personnel), or
(ii) regulation 73 or 74 of the Housing Benefit (State Pension Credit) Regulations (circumstances in which payment is or may be made to a landlord or the Department of Finance and Personnel).”.

(4) In regulation 7 (decisions superseding earlier decisions)—

(a) in paragraph (2ZA)⁽²⁶⁾ for “regulation 10A of the Housing Benefit Regulations” substitute “regulation 15 of the Housing Benefit Regulations or, as the case may be, of the Housing Benefit (State Pension Credit) Regulations”; and

(b) in paragraph (3) for “regulation 75(2) of the Housing Benefit Regulations” substitute “regulation 84(2) of the Housing Benefit Regulations or, as the case may be, regulation 65(2) of the Housing Benefit (State Pension Credit) Regulations”.

(5) In regulation 8 (date from which a decision superseding an earlier decision takes effect)—

(a) in paragraph (2)⁽²⁷⁾ for “in accordance with” to the end substitute—

“in accordance with—

(a) regulation 77 of the Housing Benefit Regulations; or

(b) regulation 57 or 58 of the Housing Benefit (State Pension Credit) Regulations, as the case may be.”;

(b) in paragraph (3)(a)⁽²⁸⁾ for “regulation 68A or 68B of the Housing Benefit Regulations” substitute “regulation 58 of the Housing Benefit (State Pension Credit) Regulations”; and

⁽²⁵⁾ S.R. 2001 No. 213; relevant amending Regulations are S.R. 2003 Nos. 197 and 312 and S.R. 2004 Nos. 144 and 516

⁽²⁶⁾ Paragraph (2ZA) was inserted by regulation 31(1) of S.R. 2004 No. 144

⁽²⁷⁾ Paragraph (2) was amended by regulation 19(2)(a) of S.R. 2003 No.197

⁽²⁸⁾ Paragraph (3)(a) was amended by regulation 19(2)(b) of S.R. 2003 No.197

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- (c) in paragraph (6A)(29) for “regulation 10A of the Housing Benefit Regulations” substitute “regulation 15 of the Housing Benefit Regulations or, as the case may be, of the Housing Benefit (State Pension Credit) Regulations”.
- (6) In regulation 13(2)(c) (suspension for failure to furnish information etc.) for “regulation 73 of the Housing Benefit Regulations” substitute “regulation 82 of the Housing Benefit Regulations or, as the case may be, regulation 63 of the Housing Benefit (State Pension Credit) Regulations”.
- (7) In the Schedule (decisions against which no appeal lies)—
 - (a) in paragraph 1—
 - (i) for “regulation 10A” substitute “regulation 15”, and
 - (ii) for sub-paragraphs (a) to (h)(30) substitute—
 - “(a) regulation 81 (time and manner in which claims are to be made);
 - (b) regulation 90(3) (adjustments to payments to take account of underpayment or overpayment on account of rent allowance);
 - (c) regulation 92 (circumstances in which payment is to be made to a landlord or the Department of Finance and Personnel);
 - (d) regulation 93 (circumstances in which payment may be made to a landlord or the Department of Finance and Personnel);
 - (e) regulation 97 (recoverable overpayments);
 - (f) regulation 98 (person from whom recovery may be sought);
 - (g) regulation 100 (diminution of capital); or
 - (h) regulation 101 (sums to be deducted in calculating recoverable overpayments).”;
 - (b) after paragraph 1 insert—
 - “1A. No appeal shall lie against a decision made by virtue of, or as a consequence of, any of the provisions in regulation 15 (decisions), Part IX (claims), Part XI (payments) and Part XII (overpayments) of the Housing Benefit (State Pension Credit) Regulations except a decision under—
 - (a) regulation 62 (time and manner in which claims are to be made);
 - (b) regulation 71(3) (adjustments to payments to take account of underpayment or overpayment on account of rent allowance);
 - (c) regulation 73 (circumstances in which payment is to be made to a landlord or the Department of Finance and Personnel);
 - (d) regulation 74 (circumstances in which payment may be made to a landlord or the Department of Finance and Personnel);
 - (e) regulation 78 (recoverable overpayments);
 - (f) regulation 79 (person from whom recovery may be sought);
 - (g) regulation 81 (diminution of capital); or
 - (h) regulation 82 (sums to be deducted in calculating recoverable overpayments).”;
- (c) in paragraph 2 for “paragraph 1(f)” substitute “paragraphs 1(f) and 1A(f)”; and

(29) Paragraph (6A) was inserted by regulation 31(2) of [S.R. 2004 No. 144](#)

(30) Sub-paragraph (a) was substituted by regulation 4(4) of [S.R. 2004 No. 516](#)

- (d) in paragraph 5⁽³¹⁾ for “regulation 23(1)” to the end substitute “regulation 25(1) of the Housing Benefit (State Pension Credit) Regulations (calculation of claimant’s income and capital in savings credit only cases).”.

Amendment of the Discretionary Financial Assistance Regulations

8.—(1) The Discretionary Financial Assistance Regulations (Northern Ireland) 2001⁽³²⁾ shall be amended in accordance with sub-paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation) for the definition of “the Housing Benefit Regulations” substitute—

““the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006;

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006.”

(3) In regulation 2(1)(b) (discretionary housing payments) for “regulation 10A of the Housing Benefit Regulations” substitute “regulation 15 of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations”.

(4) In regulation 3 (circumstances in which discretionary housing payments may be made)—

(i) in paragraph (a) for “Schedule 1 to the Housing Benefit Regulations” substitute “Schedule 1 to the Housing Benefit Regulations or, as the case may be, to the Housing Benefit (State Pension Credit) Regulations”, and

(ii) in paragraph (c) for “regulation 8(2A) of the Housing Benefit Regulations” substitute “regulation 11(3) of the Housing Benefit Regulations or, as the case may be, regulation 11(2) of the Housing Benefit (State Pension Credit) Regulations”.

(5) In regulation 4⁽³³⁾ (limit on the amount of the discretionary housing payment that may be made) for “specified in regulation 10(1)” to the end substitute—

“specified in—

(a) regulation 13(1) of the Housing Benefit Regulations less the aggregate of the amounts referred to in paragraph (3)(b) of that regulation and any deductions made in accordance with regulation 69 or 72 of those Regulations, calculated on a weekly basis in accordance with regulations 78 and 79 of those Regulations; or

(b) regulation 13(1) of the Housing Benefit (State Pension Credit) Regulations less the aggregate of the amounts referred to in paragraph (3)(b) of that regulation and any deductions made in accordance with regulation 49 or 53 of those Regulations, calculated on a weekly basis in accordance with regulations 59 and 60 of those Regulations,

as the case may be.”.

(6) In regulation 6 (form, manner and procedure for claims)—

(a) in paragraph (1)(b) for “regulation 10A of the Housing Benefit Regulations” substitute “regulation 15 of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations”; and

(b) in paragraph (3) for “it’s” substitute “its”.

⁽³¹⁾ Paragraph 5 was added by regulation 3 of [S.R. 2003 No. 312](#)

⁽³²⁾ [S.R. 2001 No. 216](#); relevant amending Regulations are [S.R. 2003 No. 154](#)

⁽³³⁾ Regulation 4 was substituted by regulation 5 of [S.R. 2003 No. 154](#)

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Amendment of the Social Security (Notification of Change of Circumstances) Regulations

9. In regulation 4 of the Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2001⁽³⁴⁾ (change affecting housing benefit)—

(a) in paragraph (1)(b) for “regulation 75 of the Housing Benefit Regulations” substitute “regulation 84 of the Housing Benefit Regulations or, as the case may be, regulation 65 of the Housing Benefit (State Pension Credit) Regulations”; and

(b) for paragraph (2) substitute—

“(2) In this regulation—

“designated office” and relevant authority” have the same meaning as in regulation 2(1) of the Housing Benefit Regulations or, as the case may be, of the Housing Benefit (State Pension Credit) Regulations;

“the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006;

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006.”.

Amendment of the Social Security (Loss of Benefit) Regulations

10.—(1) The Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002⁽³⁵⁾ shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) for the definition of “the Housing Benefit Regulations” substitute—

““the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006;

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006;”.

(3) In regulation 17 (circumstances where a reduced amount of housing benefit is payable)—

(a) in paragraph (1) for “Schedule 2 to the Housing Benefit Regulations” substitute “Schedule 4 to the Housing Benefit Regulations or, as the case may be, to the Housing Benefit (State Pension Credit) Regulations”; and

(b) in paragraph (4) at the end add “or, as the case may be, of the Housing Benefit (State Pension Credit) Regulations.”.

Amendment of the State Pension Credit Regulations

11.—(1) The State Pension Credit Regulations (Northern Ireland) 2003⁽³⁶⁾ shall be amended in accordance with sub-paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation) after the definition of “a guaranteed income payment”⁽³⁷⁾ insert—

““the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006;

⁽³⁴⁾ S.R. 2001 No. 420

⁽³⁵⁾ S.R. 2002 No. 79, to which there are amendments not relevant to these Regulations

⁽³⁶⁾ S.R. 2003 No. 28; relevant amending Regulations are S.R. 2003 Nos. 191 and 421 and S.R. 2006 No. 359

⁽³⁷⁾ The definition of “a guaranteed income payment” was inserted by regulation 2(2)(d) of S.R. 2005 No. 98

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006;”.

(3) In regulation 22(3)(b) (diminishing notional capital rule) for “the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “the Housing Benefit (State Pension Credit) Regulations”.

(4) In Schedule 2 (housing costs)—

(a) in paragraph 5(1A)(38) for “regulation 10(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “regulation 13(1) of the Housing Benefit (State Pension Credit) Regulations”;

(b) in paragraph 13(2)—

(i) in head (a) for “paragraph 5(2) of Schedule 1 to the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “paragraph 6(2) of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations”, and

(ii) in head (b) for “the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “the Housing Benefit (State Pension Credit) Regulations”; and

(c) in paragraph 14(7)(dd)(39) for “regulation 63 of the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “regulation 53 of the Housing Benefit (State Pension Credit) Regulations”.

(5) In Schedule 4 (amounts to be disregarded in the calculation of income other than earnings) in paragraph 11(4) —

(a) for “the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “the Housing Benefit (State Pension Credit) Regulations”; and

(b) for “regulation 63” substitute “regulation 53”.

(6) In Schedule 5 (income from capital) in paragraph 20A(2)(c)(40) for “paragraph 8(2) of Schedule 5 or paragraph 21A of Schedule 5ZA to the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “paragraph 9(2) of Schedule 7 to the Housing Benefit Regulations or paragraph 22 of Schedule 7 to the Housing Benefit (State Pension Credit) Regulations”.

Amendment of the Housing Renewal Grants (Reduction of Grant) Regulations

12.—(1) The Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(41) shall be amended in accordance with sub-paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “housing benefit” insert—

““the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006;

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006;”;

(b) after the definition of “pension fund holder” insert—

(38) Sub-paragraph (1A) was inserted by regulation 23(7)(a) of S.R. 2003 No. 191

(39) Head (dd) was inserted by regulation 14(5)(b) of S.R. 2006 No. 359

(40) Paragraph 20A was substituted by regulation 2(11)(f) of S.R. 2003 No. 421

(41) S.R. 2004 No. 8, to which there are amendments not relevant to these Regulations

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““pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995(42) (equalisation of pensionable ages for men and women);” and

(c) after the definition of “Preparation for Employment Programme” insert—

““the qualifying age for state pension credit” is (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act (Northern Ireland) 2002(43))—

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;”.

(3) In regulation 3 (persons from abroad) for “regulation 7A of the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “regulation 10 of the Housing Benefit Regulations or, as the case may be, of the Housing Benefit (State Pension Credit) Regulations”.

(4) In regulation 20(3)(e) (treatment of child care charges) for “regulation 18(2) of the Housing Benefit (General) Regulations (Northern Ireland) 1987 (patients)” substitute “regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 2005(44)”.

(5) In regulation 32 (notional income)—

(a) in paragraph (9)(b) omit “to which regulation 9 or 10 of the Housing Benefit (General) Regulations (Northern Ireland) 1987 refers”; and

(b) in paragraph (15) for sub-paragraph (a) substitute—

“(a) “rates or rent” means—

- (i) eligible rates or rent to which regulation 12 or 13 of the Housing Benefit Regulations refers, less any deductions in respect of non-dependants which fall to be made under regulation 72 of those Regulations; or
- (ii) in the case of a person who has attained the qualifying age for state pension credit, eligible rates or rent to which regulation 12 or 13 of the Housing Benefit (State Pension Credit) Regulations refers, less any deductions in respect of non-dependants which fall to be made under regulation 53 of those Regulations;”.

(6) In regulation 39 (notional capital)—

(a) in paragraph (3)(b) omit “to which regulation 9 or 10 of the Housing Benefit (General) Regulations (Northern Ireland) 1987 refers”; and

(b) in paragraph (8) for sub-paragraph (a) substitute—

“(a) “rates or rent” means—

- (i) eligible rates or rent to which regulation 12 or 13 of the Housing Benefit Regulations refers, less any deductions in respect of non-dependants which fall to be made under regulation 72 of those Regulations; or
- (ii) in the case of a person who has attained the qualifying age for state pension credit, eligible rates or rent to which regulation 12 or 13 of the Housing Benefit (State Pension Credit) Regulations refers, less any deductions in respect of non-dependants which fall to be made under regulation 53 of those Regulations;”.

(7) In Schedule 3 (sums to be disregarded in the determination of income other than earnings)—

(42) S.I. 1995/3213 (N.I. 22)

(43) 2002 c. 14

(44) S.R. 2005 No. 580

- (a) in paragraph 12—
 - (i) in sub-paragraph (2) omit “to which regulation 9 or 10 of the Housing Benefit (General) Regulations (Northern Ireland) 1987 refers”, and
 - (ii) in sub-paragraph (5) for head (a) substitute—
 - “(a) “rates or rent” means—
 - (i) eligible rates or rent to which regulation 12 or 13 of the Housing Benefit Regulations refers, less any deductions in respect of non-dependants which fall to be made under regulation 72 of those Regulations; or
 - (ii) in the case of a person who has attained the qualifying age for state pension credit, eligible rates or rent to which regulation 12 or 13 of the Housing Benefit (State Pension Credit) Regulations refers, less any deductions in respect of non-dependants which fall to be made under regulation 53 of those Regulations;”;
 - (b) in paragraph 60—
 - (i) in sub-paragraph (2) omit “to which regulation 9 or 10 of the Housing Benefit (General) Regulations (Northern Ireland) 1987 refers”, and
 - (ii) in sub-paragraph (3) for head (c) substitute—
 - “(c) “rates or rent” means—
 - (i) eligible rates or rent to which regulation 12 or 13 of the Housing Benefit Regulations refers, less any deductions in respect of non-dependants which fall to be made under regulation 72 of those Regulations; or
 - (ii) in the case of a person who has attained the qualifying age for state pension credit, eligible rates or rent to which regulation 12 or 13 of the Housing Benefit (State Pension Credit) Regulations refers, less any deductions in respect of non-dependants which fall to be made under regulation 53 of those Regulations;”.
- (8) In Schedule 4 (capital to be disregarded)—
- (a) in paragraph 44 for “regulation 7B of the Housing Benefit (General) Regulations (Northern Ireland) 1987” substitute “regulation 10A of the Housing Benefit Regulations or, as the case may be, of the Housing Benefit (State Pension Credit) Regulations”; and
 - (b) in paragraph 51—
 - (i) in sub-paragraph (2) omit “to which regulation 9 or 10 of the Housing Benefit (General) Regulations (Northern Ireland) 1987”, and
 - (ii) in sub-paragraph (3) for head (c) substitute—
 - “(c) “rates or rent” means—
 - (i) eligible rates or rent to which regulation 12 or 13 of the Housing Benefit Regulations refers, less any deductions in respect of non-dependants which fall to be made under regulation 72 of those Regulations; or
 - (ii) in the case of a person who has attained the qualifying age for state pension credit, eligible rates or rent to which regulation 12 or 13 of the Housing Benefit (State Pension Credit) Regulations refers, less any deductions in respect of non-dependants which fall to be made under regulation 53 of those Regulations;”.

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