



2000 CHAPTER 4

PART III
SOCIAL SECURITY

Housing benefit

Housing benefit: revisions and appeals

59. Schedule 7 (which makes provision for the revision of decisions made in connection with claims for housing benefit and for appeals against such decisions) shall have effect.

Discretionary financial assistance with housing

60.—(1) The Department may by regulations make provision conferring a power on relevant authorities to make payments by way of financial assistance (“discretionary housing payments”) to persons who—

- (a) are entitled to housing benefit; and
- (b) appear to such an authority to require some further financial assistance (in addition to the benefit to which they are entitled) in order to meet housing costs.

(2) Regulations under this section may include provision—

- (a) prescribing the circumstances in which discretionary housing payments may be made under the regulations;
- (b) conferring (subject to any provision made by virtue of paragraph (c) or (d)) a discretion on a relevant authority—

- (i) as to whether or not to make discretionary housing payments in a particular case; and
 - (ii) as to the amount of the payments and the period for or in respect of which they are made;
 - (c) imposing a limit on the amount of the discretionary housing payment that may be made in any particular case;
 - (d) restricting the period for or in respect of which discretionary housing payments may be made;
 - (e) about the form and manner in which claims for discretionary housing payments are to be made and about the procedure to be followed by relevant authorities in dealing with and disposing of such claims;
 - (f) imposing conditions on persons claiming or receiving discretionary housing payments requiring them to provide a relevant authority with such information as may be prescribed;
 - (g) entitling a relevant authority that is making or has made a discretionary housing payment, in such circumstances as may be prescribed, to cancel the making of further such payments or to recover a payment already made; or
 - (h) requiring or authorising a relevant authority to review decisions made by the authority with respect to the making, cancellation or recovery of discretionary housing payments.
- (3) Regulations under this section shall be subject to negative resolution.
- (4) Article 74(3) to (6) of the 1998 Order (regulations and orders) shall apply to any power to make regulations under this section as it applies to any power to make regulations under that Order.
- (5) Any power to make regulations under this section shall include power to make different provision for different areas or different relevant authorities.
- (6) In this section—
- “prescribed” means prescribed by or determined in accordance with regulations made by the Department;
- “relevant authority” means the Housing Executive or the Department of Finance and Personnel, as the case may be.

Grants towards cost of discretionary housing payments

61.—(1) The Department may make to the Housing Executive payments in respect of—

- (a) the cost to the Housing Executive of the making of discretionary housing payments; and

(b) the expenses involved in the administration by the Housing Executive of any scheme for the making of discretionary housing payments.

(2) Section 127(2) and (3) of the Administration Act shall apply in relation to payments under this section as it applies in relation to grants under that section.

(3) In this section “discretionary housing payment” means any payment made by virtue of regulations under section 60.

Recovery of housing benefit

62. For subsection (3) of section 73 of the Administration Act (overpayments of housing benefit) there shall be substituted—

“(3) An amount recoverable under this section shall be recoverable—

- (a) except in such circumstances as may be prescribed, from the person to whom it was paid; and
- (b) where regulations so provide, from such other person (as well as, or instead of, the person to whom it was paid) as may be prescribed.”.