STATUTORY INSTRUMENTS

1998 No. 1506

The Social Security (Northern Ireland) Order 1998

PART IV

BENEFITS

Amendments, etc. of the Contributions and Benefits Act

Validation of certain housing benefit determinations

65.—(1) Subject to paragraphs (3) and (4), in so far as a housing benefit determination made before 18th August 1997 purported to determine that housing benefit was payable in respect of—

(a) charges for medical care, nursing care or personal care; or

(b) charges for general counselling or any other support services,

it shall be deemed to have been validly made if, on the assumption mentioned in paragraph (2), it would have been so made.

(2) The assumption is that, at all material times, such charges as are mentioned in paragraph (1) were eligible to be met by housing benefit where the claimant's right to occupy the dwelling was conditional on his payment of the charges.

(3) Where the effect of a review carried out on or after 18th August 1997 was to revise the amount of housing benefit payable in respect of any validated charges—

(a) the revision shall be deemed not to have been validly made in so far as it had the effect of increasing that amount; and

(b) housing benefit shall cease to be payable in respect of those charges as from the beginning of the period for which the first payment of the revised amount of benefit was made.

(4) Housing benefit shall not be payable in respect of any validated charges for any period falling after—

(a) 5th April 1998 where the rent is payable at intervals of a whole number of weeks; and

(b) 31st March 1998 in any other case.

(5) In this Article—

"the dwelling", in relation to a housing benefit determination, means the dwelling in respect of which the determination was made;

"housing benefit determination" means a determination under section 129 of the Contributions and Benefits Act or the corresponding provisions of the Social Security (Northern Ireland) Order 1986, or a decision on a review of such a determination;

"medical care" includes treatment or counselling related to mental disorder, mental handicap, physical disablement or past or present alcohol or drug dependence;

"personal care" includes assistance at meal-times or with personal appearance or hygiene;

"validated charges" means charges in respect of which housing benefit is payable only by virtue of paragraph (1).

Status:
Point in time view as at 01/01/2006.

Changes to legislation:
The Social Security (Northern Ireland) Order 1998, Section 65 is up to date with all changes known to be in force on or before 08 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.