

1989 No. 260

HOUSING; RATES

The Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1989

Made 5th July 1989

Coming into operation—

*for the purposes of regulations
1 and 5 to 7*

10th July 1989

*for the purposes of regulations
3 and 4 to the extent that
they relate to a case where a
student's period of study begins
after 31st July 1989*

*but before 4th September 1989,
the first Monday of that period
to the extent that they relate
to any other case*

4th September 1989

*for the purposes of
regulation 8*

4th September 1989

*for the purposes of
regulation 2*

9th October 1989

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1)(c), (8) and (12)(g) and 23(1), (8) and (9) of the Social Security (Northern Ireland) Order 1986(a) and of all other powers enabling it in that behalf, and with the consent of the Department of the Environment(b) so far as relates to matters with regard to which such consent is required, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1989 and shall come into operation as follows—

(a) regulations 1 and 5 to 7, on 10th July 1989;

(b) regulations 3 and 4—

(i) in a case where the student's period of study begins after 31st July 1989 but before 4th September 1989, on the first Monday of that period,

(ii) in any other case, on 4th September 1989;

(a) S.I. 1986/1888 (N.I. 18); Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the enabling provisions under which these regulations are made; section 155(3A) was inserted by Article 63(1)

(b) See Article 81(5) of the Social Security (Northern Ireland) Order 1986

(c) regulation 8, on 4th September 1989;

(d) regulation 2, on 9th October 1989.

(2) In paragraph (1)(b) the expressions “period of study” and “student” have the same meaning as in regulation 46 of the principal regulations and in these regulations “the principal regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(a).

Amendment of regulation 5 of the principal regulations

2. In regulation 5(6)(c)(ii) of the principal regulations (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) after “paragraph 9,” there shall be inserted “9A,”.

Amendment of regulation 51 of the principal regulations

3. In regulation 51(1) of the principal regulations (eligible rent) for “£14·00” there shall be substituted “£14·80”.

Amendment of regulation 53 of the principal regulations

4. In regulation 53(2)(g) of the principal regulations (calculation of grant income) for “£220” there shall be substituted “£234”.

Amendment of Schedule 2 to the principal regulations

5. In Schedule 2 to the principal regulations (applicable amounts) in paragraph 1—

(a) in sub-paragraph (1) head (a) shall be omitted; and in column (1), in head (b) “not less than 18 but” shall be omitted;

(b) in column (2), in sub-paragraph (2)(a) for “£20·80” there shall be substituted “£27·40”.

Amendment of Schedule 4 to the principal regulations

6. In Schedule 4 to the principal regulations (sums to be disregarded in the calculation of income other than earnings) for paragraph 28 there shall be substituted the following paragraph—

“28. Any payment made by a Health and Social Services Board under section 122, 123 or 164 of the Children and Young Persons Act (Northern Ireland) 1968(b) (Health and Social Services Boards’ duty to promote the welfare of children or powers to grant financial assistance to persons in, or formerly in, their care).”.

Amendment of Schedule 5 to the principal regulations

7. In Schedule 5 to the principal regulations (capital to be disregarded) for paragraph 18 there shall be substituted the following paragraph—

(a) S.R. 1987 No. 461; the relevant amending rules are S.R. 1988 No. 314 and S.R. 1989 Nos. 18 and 125.

(b) 1968 c. 34 (N.I.); sections 122 and 164 were amended by Schedule 18 to the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)); by virtue of Article 17(1)(c) of that Order the functions under sections 122, 123 and 164 are exercised by Health and Social Services Boards

“18. Any payment made by a Health and Social Services Board under section 122, 123 or 164 of the Children and Young Persons Act (Northern Ireland) 1968 (Health and Social Services Boards’ duty to promote the welfare of children or powers to grant financial assistance to persons in, or formerly in, their care).”.

Revocations

8. Regulations 5 and 6 of the Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1988(a) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 5th July 1989.

(L.S.)

A. N. Burns

Assistant Secretary

The Department of the Environment hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment on 5th July 1989.

(L.S.)

R. E. Aiken

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987 in the following respects—

- (a) they increase the deduction to be made from a student's eligible rent to £14·80 (regulation 3); and increase the amount of the personal allowance for single claimants and lone parents under 18 to £27·40 (regulation 5);
- (b) they provide, in the calculation of income and capital, for the disregard of certain payments made by Health and Social Services Boards to persons in, or formerly in, their care (regulations 6 and 7); and in the calculation of a student's grant income, for an increase to £234 in the amount of the disregard for books and equipment (regulation 4);
- (c) they make a minor amendment consequential on the introduction of the new pensioner premium for persons aged 75 (regulation 2);
- (d) they make consequential revocations (regulation 8).

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.