

1995 No. 64

HOUSING; RATES

**The Housing Benefit (General) (Amendment) Regulations
(Northern Ireland) 1995**

Made 3rd March 1995

Coming into operation 6th March 1995

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred upon it by sections 122(1)(d), 132(1), (3) and (4)(d) and 171(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and sections 5(1)(e), 61(3) and 73(1) of the Social Security Administration (Northern Ireland) Act 1992(b) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(c) so far as relates to matters with regard to which such consent is required, and after agreement by the Social Security Advisory Committee that proposals in respect of these regulations should not be referred to it(d), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 6th March 1995.

(2) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Housing Benefit (General) Regulations

2. In regulation 68 of the Housing Benefit (General) Regulations (Northern Ireland) 1987(f) (date on which change of circumstances is to take effect)—

(a) in paragraph (1), for “to (6)” there shall be substituted “to (7)”;

(b) after paragraph (6)(g) there shall be added the following paragraph—

(a) 1992 c. 7

(b) 1992 c. 8

(c) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))

(d) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

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

(f) S.R. 1987 No. 461; relevant amending regulations are S.R. 1992 No. 141 and S.R. 1994 No. 88

(g) Paragraph (6) was inserted by S.R. 1994 No. 88

“(7) Without prejudice to paragraph (6), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances shall take effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of these Regulations.”.

Transitional

3. Where a change of circumstances occurs as a result of the payment of arrears of any income (and for the avoidance of doubt income includes any benefit within the meaning of the Social Security Contributions and Benefits (Northern Ireland) Act 1992) which affects a determination or decision in respect of entitlement to, or the amount of, housing benefit before 6th March 1995, regulation 2 shall, in so far as it relates to arrears of income paid in respect of a period before that date, be treated as if it had not been made.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd March 1995.

(L.S.)

W. G. Purdy

Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 3rd March 1995.

(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.

These Regulations further amend the provisions relating to the date on which change of circumstances is to take effect in respect of income received in arrears; and make transitional provision (regulations 2 and 3).