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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 111**

**The Housing Benefit (General) (Amendment  
No. 2) Regulations (Northern Ireland) 1996**

**Savings provisions**

**16.**—(1) Subject to paragraph (2) to (6), the eligible rent of a person—

- (a) who was entitled to housing benefit on both the first date and the second date, or
- (b) who is liable to make payments in respect of a dwelling occupied by him as his home, which is exempt accommodation,

shall be determined in accordance with regulations 10 and 11 of the principal Regulations (rent and restrictions on unreasonable payments) as in operation on 1st April 1996.

(2) Paragraph (1)(a) shall only apply in a case where—

- (a) either—
  - (i) the dwelling occupied as his home by a person to whom paragraph (1)(a) refers is the same on both the first date and the second date, or
  - (ii) the dwelling so occupied was not the same by reason only that the change was caused by a fire, flood, explosion or natural catastrophe rendering the dwelling occupied as the home on the first date uninhabitable, and
- (b) the person was either—
  - (i) continuously entitled to and in receipt of housing benefit between the first date and the second date in respect of the dwelling to which sub-paragraph (a) applies, or
  - (ii) not entitled to or receiving housing benefit for a period not exceeding 4 weeks, but was in continuous occupation of the dwelling to which sub-paragraph (a) refers between the first date and the second date.

(3) A person shall be deemed to fulfil the requirements of paragraphs (1)(a) and (2), where—

- (a) he occupies the dwelling which he occupied on the relevant date;
- (b) this regulation applied to the previous beneficiary on the relevant date, and
- (c) the requirements of paragraphs (4) and (5) are satisfied in his case.

(4) The requirements of this paragraph are that the person was, on the relevant date,

- (a) the partner of the previous beneficiary, or
- (b) in a case where the previous beneficiary died on the relevant date, was a person to whom regulation 11(7)(b), (c) or (d), as in operation on 1st April 1996, applied and for the purposes of this paragraph “claimant” in that regulation shall be taken to be a reference to the previous beneficiary.

(5) The requirements of this paragraph are that a claim for housing benefit is made within 4 weeks of the relevant date and where such a claim is made it shall be treated as having been made on the relevant date.

(6) In this regulation—

“the first date” means 1st April 1996, except in a case to which paragraph (3) applies, in which case it shall be the relevant date;

“the second date” means any day after the first date for which a claimant’s entitlement to housing benefit falls to be determined;

“the relevant date” means the date—

- (a) of the death of a previous beneficiary;
- (b) on which a previous beneficiary who was the claimant’s partner left the dwelling so that he and the claimant ceased to be living together as husband and wife, or
- (c) on which a previous beneficiary, other than a beneficiary to whom regulation 5(8) applied, was imprisoned, but only where on that date he was the partner of the claimant, as the case may be;

“exempt accommodation” means accommodation which is provided by a housing association, registered charity or voluntary organisation where care, support or supervision is provided by, or on behalf of, that body to the occupants of that accommodation;

“imprisoned” means detained in custody pending sentence upon conviction or under a sentence imposed by a court;

“previous beneficiary” means a person—

- (a) who died, left the dwelling or was imprisoned, as the case may be;
- (b) who was on that date in receipt of housing benefit, and
- (c) to whom this regulation applied on that date,

and, in this regulation, a reference to a person occupying a dwelling as his home shall be taken to include a person who is treated as occupying a dwelling as his home by virtue of regulation 5(1).

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(1) Regulation 5 was amended by regulation 2 of S.R. 1989 No. 260, regulation 2 of S.R. 1992 No. 549, regulation 3 of S.R. 1993 No. 145, regulation 3(3) of S.R. 1993 No. 149, paragraph 1(c) of Schedule 13 to S.R. 1994 No. 65, regulation 5 of S.R. 1995 No. 89 and regulation 2 of S.R. 1995 No. 101