
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 376

HOUSING

**The Housing Benefit (General) (Amendment
No. 5) Regulations (Northern Ireland) 1997**

Made - - - - *14th August 1997*

Coming into operation *18th August 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(d), 129(2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Amendment No. 5) Regulations (Northern Ireland) 1997 and shall come into operation on 18th August 1997.

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

Amendment of Schedule 1 to the Housing Benefit (General) Regulations

2.—(1) In Schedule 1 to the Housing Benefit (General) Regulations (Northern Ireland) 1987(3) (ineligible service charges)—

(a) in paragraph 1(f)(4)—

(i) in head (ii) after “the terms of this head” there shall be added “or head (iii)”;

(ii) after head (ii) there shall be added the following—

“or

(iii) are provided to a claimant in supported accommodation by his landlord in person or someone on his behalf, and payment of the charges in respect of those services is a condition on which the claimant’s right to occupy the accommodation depends;”;

(1) 1992 c. 7

(2) 1954 c. 33 (N.I.)

(3) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1994 No. 137

(4) Paragraph 1(f) was substituted by regulation 2 of S.R. 1994 No. 137

- (b) in paragraph 7 there shall be added at the end the following definition—
- ““supported accommodation” means accommodation which was either occupied or available for occupation on 18th August 1997 and which was at that date and continues to be—
- (a) accommodation provided by the Executive, a registered housing association, charity, or voluntary organisation where care, support or supervision is provided by, or on behalf of, that body to the occupants of that accommodation; and for this purpose—
- a “charity” has the same meaning as in the Charities Act 1964⁽⁵⁾; or
- (b) accommodation which is occupied by a person who falls under regulation 16(1) (a) of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996⁽⁶⁾, where care, support or supervision is provided by, or on behalf of, the landlord to the occupants of that accommodation;
- and for these purposes accommodation which would fall under paragraph (a) or (b) but for the fact that it was not available for occupation on 18th August 1997 solely by reason of temporary closure due to refurbishment, cleansing or pest control shall be treated as available for occupation on that date.”.
- (2) These Regulations shall cease to have effect on 31st October 1998.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland
on

L.S.

14th August 1997.

D. A. Baker
Assistant Secretary

⁽⁵⁾ 1964 c. 33 (N.I.)
⁽⁶⁾ S.R. 1996 No. 111

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend Schedule 1 to the Housing Benefit (General) Regulations (Northern Ireland) 1987 so as to make service charges for general counselling and support eligible for housing benefit where the claimant occupies supported accommodation (as defined) (regulation 2(1)).

These Regulations shall cease to have effect on 31st October 1998 (regulation 2(2)).

These Regulations make in relation to Northern Ireland only provision corresponding 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.