
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 298

**The Housing Benefit (General) (Amendment)
Regulations (Northern Ireland) 1999**

Amendment of regulation 21A of the principal Regulations

4.—(1) Regulation 21A of the principal Regulations⁽¹⁾ (treatment of child care charges) shall be amended in accordance with paragraphs (2) to (4).

(2) For paragraph (2)⁽²⁾ there shall be substituted the following paragraphs—

“(2) Relevant child care charges are those charges for care to which paragraphs (2ZA) and (2ZB) apply, and shall be calculated on a weekly basis in accordance with paragraph (3).

(2ZA) The charges are paid by the claimant for care which is provided—

- (a) in the case of any child of the claimant’s family who is not disabled, in respect of the period beginning on, and including, that child’s date of birth and ending on the day preceding the first Monday in September following that child’s fifteenth birthday, or
- (b) in the case of any child of the claimant’s family who is disabled, in respect of the period beginning on, and including, that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday.

(2ZB) The charges are paid for care which is provided by one or more of the care providers listed in paragraph (2ZC) and are not paid—

- (a) in respect of the child’s compulsory education, or
- (b) by a claimant to a partner or by a partner to a claimant in respect of any child for whom either or any of them is responsible in accordance with regulation 14 (circumstances in which a person is treated as responsible or not responsible for another).

(2ZC) The care to which paragraph (2ZB) refers may be provided—

- (a) by persons registered under Article 118 of the Children Order⁽³⁾ (registration of child-minders and persons providing day care);
- (b) out of school hours, by a school on school premises or by an education and library board or a HSS trust—
 - (i) for children who are not disabled in respect of the period beginning on, and including, their twelfth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday, or

(1) Regulation 21A was inserted by regulation 2(3) of S.R. 1994 No. 274; relevant amending Regulations are S.R. 1995 No. 89, S.R. 1996 No. 476, S.R. 1997 No. 515 and S.R. 1998 No. 2
(2) Relevant amending Regulations are S.R. 1995 No. 89, S.R. 1996 No. 476, S.R. 1997 No. 515 and S.R. 1998 No. 8
(3) S.I.1995/755 (N.I. 2)

- (ii) for children who are disabled in respect of the period beginning on, and including, their twelfth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday;
 - (c) by a child care scheme operating on Crown property where registration under Article 118 of the Children Order is not required, or
 - (d) in schools or establishments which are exempt from registration under Article 118 of the Children Order by virtue of Article 121(1) to (3) of that Order.”
- (3) In paragraph (2A) after “in any year” there shall be added “and in paragraph (2ZC)(b) “education and library board” means an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(4)”.
- (4) After paragraph (5)(5) there shall be added the following paragraph—
- “(6) For the purposes of paragraph (2), a person is disabled if he is a person—
- (a) in respect of whom disability living allowance is payable, or has ceased to be payable solely because he is a patient;
 - (b) who is identified as a person who is blind in pursuance of arrangements under section 1(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(6), or
 - (c) who ceased to be so identified as blind within the 28 weeks immediately preceding the date of claim.”.

(4) S.I. 1986/594 (N.I. 3)

(5) Paragraph (5) was added by regulation 4(b) of S.R. 1995 No. 129

(6) 1978 c. 53