
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 416

HOUSING

**The Housing Benefit (General) (Amendment
No. 3) Regulations (Northern Ireland) 1999**

*Made - - - - 8th October 1999
Coming into operation in accordance with
regulation 1(1)*

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 (4) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾ and section 61(3) of the Social Security Administration (Northern Ireland) Act 1992⁽²⁾ 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. 3) Regulations (Northern Ireland) 1999 and shall come into operation as follows—

- (a) for the purposes of this regulation and regulations 11 and 12, on 1st November 1999;
- (b) for the purposes of regulations 2 to 10,
 - (i) in any case where rent is payable at intervals of a whole number of weeks, on 3rd April 2000, and
 - (ii) in any other case, on 1st April 2000.

(2) In these Regulations the “principal Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987⁽³⁾.

(3) The Interpretation Act (Northern Ireland) 1954⁽⁴⁾ shall apply to these Regulations as it applies to a Measure of the Assembly.

(1) 1992 c. 7

(2) 1992 c. 8

(3) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1989 No. 125, S.R. 1992 No. 444, S.R. 1994 Nos. 88 and 137, S.R. 1995 No. 64, S.R. 1996 No. 111, S.R. 1997 Nos. 170 and 376 and S.R. 1998 No. 252

(4) 1954 c. 33 (N.I.)

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation) after “student” there shall be inserted the following definition—

““supported accommodation” has the meaning given in paragraph 7 of Schedule 1 (ineligible service charges);”.

Amendment of regulation 8 of the principal Regulations

3. In regulation 8(2A) of the principal Regulations(5) (eligible housing costs) for “or Schedule 1 (ineligible service charges)” there shall be substituted “or Schedules 1 (ineligible service charges) or 1C (service charges for claimants in supported accommodation)”.

Amendment of regulation 10 of the principal Regulations

4. In regulation 10(7) of the principal Regulations (rent) for “Schedule 1” there shall be substituted “Schedules 1 and 1C”.

Amendment of regulation 11 of the principal Regulations

5. In regulation 11 of the principal Regulations(6) (maximum rent) after paragraph (5) there shall be inserted the following paragraphs—

“(5A) In a case where a maximum rent has been determined in respect of a claimant under paragraph (2), (3), (3A)(7), (4) or (5), that maximum rent shall be adjusted in accordance with paragraphs (5B) to (5E) as appropriate.

(5B) A maximum rent determined under paragraph (2), (3), (3A) or (4) shall, subject to paragraphs (5C) and (5D), be increased by the sum of those service charges specified in the exceptions provided in paragraph 1(a)(iv)(cc), (c) and (f) of Schedule 1 (ineligible service charges) and Schedule 1C(8) (service charges for claimants in supported accommodation) determined by the Executive as eligible to be met by housing benefit, and the maximum rent shall be that increased amount.

(5C) In a case to which paragraph (2) applies, where the Executive has determined a relevant rent which includes an amount in respect of service charges for—

- (a) the cleaning of rooms and windows which are eligible to be met by housing benefit, other than those eligible by virtue of paragraph 1(a)(iv)(aa) or (bb) of Schedule 1(9);
- (b) the provision of an emergency alarm system, or
- (c) general counselling or any other support,

that amount shall be deducted from the maximum rent before any increase under paragraph (5B).

(5D) In a case to which paragraph (4) applies, the Executive shall reduce the relevant rent by the sum of those service charges for—

- (a) the cleaning of rooms and windows which are eligible to be met by housing benefit, other than those eligible by virtue of paragraph 1(a)(iv)(aa) or (bb) of Schedule 1;

(5) Paragraph (2A) was inserted by regulation 2(b) of S.R. 1992 No. 444

(6) Regulation 11 was substituted by regulation 7 of S.R. 1996 No. 111

(7) Paragraph (3A) was inserted by regulation 4(b) of S.R. 1996 No. 181 and amended by regulation 2(a) of S.R. 1997 No. 170

(8) Schedule 1C is inserted by regulation 7 of these Regulations

(9) Paragraph 1(a)(iv)(aa) and (bb) is inserted by regulation 7(2)(a) of these Regulations

- (b) the provision of an emergency alarm system, or
- (c) general counselling or any other support,

determined by the Executive as eligible to be met by housing benefit and use that relevant rent so reduced in determining whether that case should fall under either sub-paragraph (a) or (b) of that paragraph and in a case which falls under sub-paragraph (b) the sum of those service charges shall be deducted from the maximum rent before any increase under paragraph (5B).

(5E) In the case of a claimant who occupies supported accommodation and whose case falls under paragraph (5), the Executive shall treat references to the local reference rent as references to the local reference rent plus those services charges it has determined as eligible to be met by housing benefit under paragraph 1(a)(iv)(cc), (c) and (f) of Schedule 1 and Schedule 1C.”

Amendment of regulation 68 of the principal Regulations

6. In regulation 68 of the principal Regulations (date on which change of circumstances is to take effect)—

- (a) in paragraph (1)(10) for “to (7)” there shall be substituted “to (8)”, and
- (b) after paragraph (7)(11) there shall be added the following paragraph—

“(8) Where the change of circumstances is the receipt of a community care assessment by a claimant in supported accommodation, that change of circumstances shall take effect on the date on which the Executive is required to treat the community care assessment as made under these Regulations.”

Amendment of Schedule 1 to the principal Regulations

7.—(1) Schedule 1 to the principal Regulations (ineligible service charges) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph 1—

- (a) in sub-paragraph (a)(iv) for the words from “(other than communal areas)” to the end there shall be substituted the following—

“except—

- (aa) the exterior of any windows in accommodation (other than supported accommodation) where neither the claimant nor any member of his household is able to clean those windows himself;
- (bb) in communal areas, or
- (cc) where the claimant is in supported accommodation and those charges fall under paragraph 3 of Schedule 1C (service charges for claimants in supported accommodation), and”;

- (b) in sub-paragraph (c) for the words from “such a system” to the end there shall be substituted “the claimant is in supported accommodation and those charges fall under paragraph 4 of Schedule 1C;”, and

- (c) in sub-paragraph (f)(12) for heads (i) to (iii) there shall be substituted the following heads

(10) Paragraph (1) was amended by S.R. 1994 No. 88 and S.R. 1995 No. 64

(11) Paragraph (7) was added by regulation 2(b) of S.R. 1995 No. 64

(12) Sub-paragraph (f) was substituted by regulation 2 of S.R. 1994 No. 137 and amended by regulation 2(1)(a)(i) and (ii) of S.R. 1997 No. 376

- “(i) are provided to a claimant in supported accommodation by his landlord in person or someone on his behalf, and
- (ii) fall under paragraph 2 of Schedule 1C;”.

(3) In paragraph 7—

- (a) after “In this Schedule” there shall be inserted “and Schedule 1C”, and
- (b) in the definition of “supported accommodation”**(13)**—
 - (i) for “was either occupied or available for occupation on 18th August 1997 and which was at that date and continues to be” there shall be substituted “is”;
 - (ii) in head (a) “accommodation” shall be omitted where it first appears and for “where care, support or supervision is provided by, or on behalf of, that body to the occupants of that accommodation” there shall be substituted “where that body or a person acting on its behalf also provides the claimant with care, support or supervision”;
 - (iii) for head (b) there shall be substituted the following head—
 - “(b) occupied by a person whom a Health and Social Services Board or HSS trust has assessed as having needs which call for the provision of services—
 -
 - (i) specified in any of the exceptions provided in paragraph 1(a)(iv)(cc), (c) and (f) of this Schedule and Schedule 1C (service charges for claimants in supported accommodation), and
 - (ii) which that Health and Social Services Board or HSS trust has confirmed the landlord as either capable of providing or ensuring their provision by others,” and
 - (iv) for the words from “accommodation which would fall” to the end of the definition there shall be substituted the following—
 - “where a community care assessment to which head (b) refers is made following a period in which the claimant has incurred liability in respect of any of the services specified in the exceptions provided in paragraph 1(a)(iv)(cc), (c) and (f) of this Schedule and Schedule 1C and that liability is continuous up to the date of that community care assessment, the Executive shall treat the assessment as if it were made on—
 - (i) in the case of a claimant who claims housing benefit (other than by way of a claim for a further grant of that benefit) on or after—
 - (aa) 3rd April 2000 in a case where rent is payable at intervals of a whole number of weeks, or
 - (bb) 1st April 2000 in any other case,
 the date on which that claim is made or treated as made;
 - (ii) in the case of a claimant who was entitled to housing benefit on—
 - (aa) 3rd April 2000 in a case where rent is payable at intervals of a whole number of weeks, or
 - (bb) 1st April 2000 in any other case,
 but whose award would have been for a higher amount had the community care assessment been made earlier, 3rd or 1st April 2000 as the case may be, or
 - (iii) in the case of a claimant who claims housing benefit on or after 1st April 2000, but is not entitled to that benefit, but who would have been so entitled had

(13) The definition of “supported accommodation” was added by regulation 2(1)(b) of S.R. [1997 No. 376](#)

the community care assessment been made on or before that date, the date on which his entitlement would have commenced under regulation 65 (date on which entitlement is to commence) had that community care assessment been made on the date on which he made that claim.”.

Insertion of Schedule 1C into the principal Regulations

8. After Schedule 1B to the principal Regulations(14) (excluded tenancies) there shall be inserted the following Schedule—

“SCHEDULE 1C

Regulation 10 and Schedule 1

Service Charges for Claimants in Supported Accommodation

1. Subject to paragraph 3 of Schedule 1 (ineligible service charges), the service charges specified in paragraphs 2 to 4 shall be eligible to be met by housing benefit.

2. The service charges in respect of general counselling or other support which fall under this paragraph are—

- (a) charges in respect of time spent in the provision of general counselling or other support which assists the claimant with maintaining the security of the dwelling he occupies as his home;
- (b) charges in respect of time spent in the provision of general counselling or other support which assists the claimant with maintaining the safety of the dwelling he occupies as his home (including making arrangements for the checking of the claimant’s own appliances where these could pose a safety hazard);
- (c) charges in respect of time spent in the provision of general counselling or other support which is directed at assisting the claimant with compliance with those terms in his tenancy agreement concerned with—
 - (i) nuisance;
 - (ii) rental liability;
 - (iii) maintenance of the interior of the dwelling in an appropriate condition, and
 - (iv) the period for which the tenancy is granted,

such charges to include those in respect of time spent in the provision of general counselling or other support which assists the claimant with contacts with individuals or professional or other bodies with an interest in ensuring his welfare, and

- (d) provided that they are not charges specified in any of sub-paragraphs (a) to (c), charges in respect of the time spent in the provision of general counselling or other support which is provided to the claimant—
 - (i) by either a resident warden or a non-resident warden with a system for calling him;
 - (ii) in accommodation which it is the practice of the landlord to let for occupation by persons in need of general counselling or other support services where the dwelling is one of a group of dwellings and that warden provides services which are wholly or mainly for the purposes of assisting persons in those dwellings.

3. The service charges in respect of the cleaning of rooms and windows which fall under this paragraph are those where neither the claimant nor any member of his household is able to clean them himself.

(14) Schedule 1B was inserted by regulation 15 of S.R. 1996 No. 111

4. The service charges in respect of the provision of an emergency alarm system which fall under this paragraph are those where the emergency alarm system is provided in accommodation which is occupied by elderly, sick or disabled persons and such accommodation, apart from the alarm system, is either—

- (a) specifically designed or adapted for such persons, or
- (b) otherwise particularly suitable for them, having regard to its size, heating system and other major features or facilities.”.

Amendment of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996

9. Regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996(15) (saving provision) shall be amended as follows—

- (a) in paragraph (1) at the end there shall be added—

“but as if references to Schedule 1 (ineligible service charges) were references to Schedules 1 and 1C (service charges for claimants in supported accommodation) as in operation on 3rd April 2000, and as if in regulation 10(7) for “Schedule 1” there was substituted “Schedules 1 (ineligible service charges) and 1C (service charges for claimants in supported accommodation)”.”

- (b) in paragraph (6) in the definition of “exempt accommodation” for “where care, support or supervision is provided by, or on behalf of, that body to the occupants of that accommodation” there shall be substituted “where that body or a person acting on its behalf also provides the claimant with care, support or supervision”.

Savings

10.—(1) In regulation 12(1) of the principal Regulations(16) (restrictions on rent increases) as saved by regulation 5(3) of the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1997(17) (“the 1997 Regulations”) for “may” there shall be substituted “shall”.

(2) In a case where the claimant is a person who meets the conditions specified in paragraph (3) the appropriate authority shall, when calculating 50 per cent. of the amount by which the relevant rent exceeds the local reference rent, deduct from the relevant rent the following charges determined by the appropriate authority as eligible to be met by housing benefit—

- (a) charges in respect of the cleaning of rooms and windows other than those eligible by virtue of paragraph 1(a)(iv)(aa) or (bb) of Schedule 1;
- (b) charges in respect of the provision of an emergency alarm system, or
- (c) charges in respect of general counselling or any other support.

- (3) The conditions of this paragraph are that the claimant is a person—

- (a) in respect of whom regulation 2(c)(18) of the 1997 Regulations does not have effect, by virtue of regulation 5(1) (savings) of those Regulations, and
- (b) whose maximum rent falls to be adjusted in accordance with regulation 11(5A) of the principal Regulations.

(4) In a case where the claimant is a person to whom regulation 5(3) of the 1997 Regulations (savings) applies the appropriate authority shall apply regulation 12 of the principal Regulations as if—

(15) S.R. 1996 No. 111

(16) Paragraph (1) was inserted by regulation 4(a) of S.R. 1989 No. 125

(17) S.R. 1997 No. 170

(18) Regulation 2(c) was amended by regulation 2(2)(c) of S.R. 1997 No. 377

- (a) in paragraph (1) after “paragraph (2)” there were inserted “and paragraph (2A)”, and
- (b) after paragraph (2) there were inserted the following paragraph—

“(2A) This regulation shall not apply to any increase in a claimant’s eligible rent in respect of those service charges specified in the exceptions provided in paragraph 1(a) (iv)(cc), (c) or (f) of Schedule 1 (ineligible service charges) and Schedule 1C (service charges for claimants in supported accommodation).”.

- (5) In this regulation “appropriate authority” means the Northern Ireland Housing Executive.

Amendment of regulation 2 of the Housing Benefit (General) (Amendment No. 5) Regulations (Northern Ireland) 1997

11. In regulation 2(2) of the Housing Benefit (General) (Amendment No. 5) Regulations (Northern Ireland) 1997⁽¹⁹⁾ (date the Regulations are to cease to have effect), for “on 31st October 1999” there shall be substituted “in any case where rent is payable at intervals of a whole number of weeks, on 2nd April 2000, and in any other case on 31st March 2000”.

Cessation in operation of these Regulations

12. These Regulations shall cease to have effect—

- (a) in any case where rent is payable at intervals of a whole number of weeks, on 6th April 2003, and
- (b) in any other case, on 31st March 2003,

and the principal Regulations, the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996 and the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1997 shall apply thereafter as if the amendments made to them by these Regulations had not been made.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 8th October 1999.

John O'Neill
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987 (“the Housing Benefit Regulations”).

Regulation 2 inserts a definition of “supported accommodation” into regulation 2(1) of the Housing Benefit Regulations.

Regulation 3 makes a minor consequential amendment to regulation 8 of the Housing Benefit Regulations.

Regulation 4 makes a minor consequential amendment to regulation 10 of the Housing Benefit Regulations.

Regulation 5 inserts new paragraphs into regulation 11 of the Housing Benefit Regulations, so as to adjust the maximum rent of a claimant in supported accommodation (as defined).

Regulation 6 amends regulation 68 of the Housing Benefit Regulations which is concerned with changes of circumstances, so as to make provision for the date on which receipt of a community care assessment by a person in supported accommodation is to take effect.

Regulation 7 amends Schedule 1 to the Housing Benefit Regulations. In particular, it amends provisions in paragraph 1 of that Schedule concerning service charges in respect of the cleaning of rooms and windows, emergency alarm systems, and general counselling and support. The definition of “supported accommodation” in paragraph 7 of Schedule 1 is amended with new provision made for claimants in respect of whom the Health and Social Services Board or HSS trust has made a community care assessment.

Regulation 8 inserts a new Schedule 1C, which specifies certain service charges which are eligible for housing benefit where the claimant is in supported accommodation (as defined).

Regulation 9 makes consequential amendments to the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996, in particular amending the definition of “exempt accommodation” so that it follows where appropriate that of “supported accommodation”.

Regulation 10 amends the savings provision provided in the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1997. The Northern Ireland Housing Executive (“the Executive”) is required to deduct certain specified charges from the relevant rent in its calculation of the maximum rent. In addition, the Executive must restrict certain increases in rent (excluding any increases in support charges which fall under Schedule 1C) which it considers unreasonable to be met by housing benefit.

Regulation 11 amends the Housing Benefit (General) (Amendment No. 5) Regulations (Northern Ireland) 1997 (“the 1997 Regulations”) which themselves amend the Housing Benefit Regulations. The 1997 Regulations amend the Housing Benefit Regulations 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(2) of the 1997 Regulations provides that those Regulations shall cease to have effect on 31st October 1999. (This date was substituted for the earlier date of 31st October 1998 by the Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1998). These Regulations amend regulation 2(2) of the 1997 Regulations so as to further extend the period during which they have effect until 31st March or 2nd April 2000.

Regulation 12 provides for these Regulations to cease to have effect on either 31st March 2003 or 6th April 2003.

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.