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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 71**

**The Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000**

**Amendment of the Housing Benefit Regulations**

6.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation) after the definition of “the Children Order”(1) there shall be inserted the following definition—

““the Immigration and Asylum Act” means the Immigration and Asylum Act 1999;”.

(3) In regulation 7A(2) (persons from abroad)—

(a) paragraphs (2), (3)(3), (4)(a) to (d), (e)(iv) to (vi)(4), (f) and (g)(5), (4A)(6), (5)(a) to (c)(7) and (5A)(8) shall be omitted;

(b) in paragraph (6)(9) for “Paragraphs (3)(b) and (4A)” there shall be substituted “Paragraph 1 of Part I of the Schedule to, and regulation 2 as it applies to that paragraph of, the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000”; and

(c) in paragraph (7) the definitions of “the Common Travel Area” and “the Convention relating to the Status of Refugees”(10) shall be omitted.

(4) In regulation 33(4) (calculation of income other than earnings) for the words from “paragraph (1)” to the end there shall be substituted—

“paragraph (1)—

(a) any payment to which regulation 28(2) (payments not earnings) applies; or

(b) in the case of a claimant who is receiving support under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the claimant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act.”.

(5) In Schedule A1(11) (treatment of claims for housing benefit by refugees)—

(a) in paragraph 1—

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(1) The definition of “the Children Order” was inserted by regulation 2(1) and (2)(b) of S.R. 1997 No. 331

(2) Regulation 7A was inserted by regulation 2(1) of S.R. 1994 No. 80

(3) Sub-paragraph (a) was amended by regulation 4(3)(a) of S.R. 1996 No. 405

(4) Sub-paragraphs (d) and (e) were added by regulation 3(1)(a) of S.R. 1994 No. 266

(5) Sub-paragraphs (f) and (g) were added by regulation 5(a) of S.R. 1996 No. 11

(6) Paragraph (4A) was inserted by regulation 3(1)(b) of S.R. 1994 No. 266

(7) Paragraph (5) was substituted by regulation 5(b) of S.R. 1996 No. 11

(8) Paragraph (5A) was inserted by regulation 5(c) of S.R. 1996 No. 11

(9) Paragraph (6) was amended by regulation 3(1)(c) of S.R. 1994 No. 266

(10) The definitions of “the Common Travel Area” and “the Convention relating to the Status of Refugees” were inserted by regulation 5(d) of S.R. 1996 No. 11

(11) Schedule A1 was inserted by regulation 6 of S.R. 1996 No. 448

- (i) in sub-paragraph (1)(b) for the words from “his claim for housing benefit” to the end there shall be substituted “his claim for housing benefit shall be treated as having been made on the date specified in sub-paragraph (2).”;
  - (ii) in sub-paragraph (2) for heads (a) and (b) there shall be substituted “on the date on which his claim for asylum was recorded by the Secretary of State as having been made.”; and
- (b) for paragraph 2 there shall be substituted the following paragraph—

**“Appropriate authority to whom a claim for housing benefit by a refugee shall be made and time for making a claim**

2.—(1) A claim for housing benefit made by a refugee on or after 3rd April 2000 for the relevant period may be made to the appropriate authority for the dwelling which the claimant occupied as his home and in respect of which he was liable to make payments.

(2) Where the claimant has occupied more than one dwelling as his home in the relevant period, only one claim for housing benefit shall be made in respect of that period and such a claim shall be made to the appropriate authority for the dwelling occupied by the refugee and in respect of which he was liable to make payments when, after he is notified that he has been recorded by the Secretary of State as being a refugee, he makes a claim for housing benefit.

(3) A claim for housing benefit to which this paragraph refers, shall be made within 28 days of a claimant receiving notification from the Secretary of State that he has been recorded as a refugee.

(4) Regulation 72(14) (backdating of claims) shall not have effect with respect to claims to which this Schedule applies.”.

(6) In Schedule 4 (treatment of income in kind) in paragraph 23 after “income in kind” there shall be added “except where regulation 33(4)(b)(12) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies”.