
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 79

**The Housing Benefit (General) (Amendment)
Regulations (Northern Ireland) 2001**

Amendment of regulation 61 of the principal Regulations

5. In regulation 61 of the principal Regulations⁽¹⁾ (maximum housing benefit) for paragraph (2) there shall be substituted the following paragraphs—

“(2) Subject to paragraphs (2A) and (4), in a case where—

- (a) regulation 11 (maximum rent) applies, and
- (b) the Executive is satisfied that—
 - (i) the claimant would be entitled to housing benefit, and
 - (ii) the claimant or a member of his family will suffer exceptional hardship unless the amount which would be the claimant’s maximum housing benefit is increased,

the Executive may determine that the amount of the person’s appropriate maximum housing benefit shall be such greater amount as it considers appropriate in the particular circumstances of the case.

(2A) A person’s appropriate maximum housing benefit under paragraph (2) shall not exceed in any week an amount which represents his eligible rent calculated—

- (a) as though a maximum rent had not been, nor falls to be, determined in his case;
- (b) as though the amount to be deducted for ineligible services falling to be determined as an ineligible charge (construed in accordance with paragraph 6(1) (a) of Schedule 1A) were the amount so determined; and
- (c) on a weekly basis in accordance with regulations 69 and 70 (calculation of weekly amounts and rent and rate-free periods) after any deduction made in accordance with section 129(3)(b) of the Contributions and Benefits Act (taper) and regulation 63 (non-dependant deductions).”.

(1) Regulation 61 was amended by regulation 7 of S.R. 1990 No. 345, regulation 6 of S.R. 1992 No. 549 and regulation 10 of S.R. 1996 No. 111