
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 294

**The Housing Benefit (State Pension Credit)
(Abolition of Benefit Periods Amendment)
Regulations (Northern Ireland) 2003**

PART 5

Application and Amendment of Other Provisions

Amendment of regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations

20. In regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996(1) (savings provisions) –

(a) after paragraph (5B)(2), there shall be inserted the following paragraphs –

“(5C) Subject to paragraph (5D), paragraphs (1) to (5A) above shall have effect where a claimant has attained the qualifying age for state pension credit as if any references to a benefit period were references to an award of housing benefit.

(5D) Paragraph (5C) shall not apply if the claimant, or if the claimant has a partner, his partner, is a person on income support or on an income-based jobseeker’s allowance within the meaning of the Principal Regulations.”;

(b) in paragraph (6), at the appropriate places, insert the following definitions –

““the qualifying age for state pension credit” means (in accordance with section 1(2) (b) and (6) of the State Pension Credit Act (Northern Ireland) 2002(3) –

(a) in the case of a woman, pensionable age, or

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

“state pension credit” means state pension credit under the State Pension Credit Act 2002.”

Amendment of regulation 5 of the Housing Benefit (General) (Amendment No. 4) Regulations

21. In regulation 5(4) of the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1997(5) (savings) after paragraph (2AC)(6) there shall be inserted the following paragraphs –

(1) S.R. 1996 No. 111; relevant amending regulations are S.R. 1998 No. 324

(2) Paragraph (5B) was inserted by regulation 10(c) of S.R. 1998 No. 324

(3) 2002 c. 14 (N.I.)

(4) Regulation 5 was amended by regulation 2(4) of S.R. 1997 No. 377

(5) S.R. 1997 No. 170; relevant amending Regulations are S.R. 1997 No. 377 and S.R. 1998 No. 324

(6) Paragraph (2AC) was inserted by regulation 12(b) of S.R. 1998 No. 324

“(2AD) Paragraph (2A) shall have effect where a claimant has attained the qualifying age for state pension credit as if the words “makes a further claim for housing benefit under regulation 72(11) and (13) of the principal Regulations, where he” were omitted;

(2AE) Paragraph (2AD) shall not apply if the claimant, or if the claimant has a partner, his partner, is a person on income support or on an income-based jobseeker’s allowance within the meaning of the principal Regulations(7).

(2AF) In this Regulation –

““the qualifying age for state pension credit” means (in accordance with section 1(2) (b) and (6) of the State Pension Credit Act (Northern Ireland) 2002) –

- (a) in the case of a woman, pensionable age, or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

“state pension credit” means state pension credit under the State Pension Credit Act (Northern Ireland) 2002.””

Amendment of regulations 7 and 8 of the Housing Benefit (Decisions and Appeals) Regulations

22.—(1) In regulation 7(8) of the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(9) (decisions superseding earlier decisions) there shall be inserted the following paragraph –

“(2A) An appropriate relevant authority may, upon its own initiative, make a decision under paragraph 4 of Schedule 7 to the Act in any case to which regulation 10A of the Housing Benefit Regulations (decisions) applies where –

- (a) 52 weeks have elapsed since it last made a decision under regulation 10A of the Housing Benefit Regulations in relation to the claim or award in question, or
- (b) 52 weeks have elapsed since –
 - (i) a decision was made under sub-paragraph (a), or
 - (ii) a decision was made under this sub-paragraph,
 whichever last occurred.”.

(2) In regulation 8 of the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(10) (date from which a decision superseding an earlier decision takes effect) after paragraph (10) there shall be inserted the following paragraphs –

“(11) Except in a case where entitlement to housing benefit ceases, where an appropriate relevant authority has made a decision in exercise of regulation 10A of the Housing Benefit Regulations, any decision to which regulation 7(2A) applies shall take effect from the first day following the last day of the period mentioned in regulation 7(2A)(a) or (b).”.

(7) See regulation 2(1) and (3A); Regulation 2(3A) was inserted by regulation 2(b) of S.R. 1996 No. 334 and amended by regulation 3(a) and (b) of S.R. 2000 No. 365 and regulation 4(3) of S.R. 2002 No. 80
 (8) Regulation 7 was amended by regulation 4(2) of S.R. 2003 No. 224
 (9) S.R. 2001 No. 213; relevant amending Regulations are S.R. 2002 No. 80 and S.R. 2003 No. 224
 (10) Regulation 8 was amended by regulation 8(5) of S.R. 2002 No. 80 and paragraph (10) was added by regulation 4(3) of S.R. 2003 No. 224