

SCHEDULE 3

Amendment of legislation relating to social security

Housing Benefit (General) Regulations

13.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987⁽¹⁾ shall be amended in accordance with sub-paragraphs (2) to (10).

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or if any of the preceding persons is one member of a couple, the other member of that couple”;

(b) for the definition of “couple” there shall be substituted the following definition—

““couple” means—

(a) a man and woman who are married to each other and are members of the same household;

(b) a man and woman who are not married to each other but are living together as husband and wife;

(c) two people of the same sex who are civil partners of each other and are members of the same household; or

(d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

(c) the definitions of “married couple” and “unmarried couple” shall be omitted;

(d) in the definition of “partner”, in paragraph (a), for “a married or unmarried couple” there shall be substituted “a couple”;

(e) in the definition of “war widower’s pension”⁽²⁾—

(i) after “any widower's” there shall be inserted “or surviving civil partner's”,

(ii) after “for a widower” there shall be inserted “or surviving civil partner”.

(3) In regulation 5(5)(b)⁽³⁾ (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), for “a married or unmarried couple” there shall be substituted “a couple”.

(4) In regulation 46(1) (interpretation: part VII), in the definition of “contribution”⁽⁴⁾, after “spouse” there shall be inserted “or civil partner”.

(5) In regulation 63(3)⁽⁵⁾, (4) and (5) (non-dependant deductions), for “a married or unmarried couple” there shall be substituted “a couple”.

(1) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 Nos. 186, 314 and 424, S.R. 1989 No. 125, S.R. 1991 No. 204, S.R. 1992 Nos. 201 and 549, S.R. 1993 No. 145, S.R. 1994 No. 335, S.R. 1995 No. 410 and 481, S.R. 1996 Nos. 111 and 405, S.R. 1998 No. 81, S.R. 1999 No. 317, S.R. 2000 No. 260, S.R. 2001 Nos. 4, 215, 278 and 392, S.R. 2002 No. 128 and S.R. 2004 No. 45

(2) The definition of “war widower’s pension” was inserted by regulation 3(2) of S.R. 2002 No. 128

(3) Paragraph (5)(b) was amended by regulation 2 of S.R. 1992 No. 549

(4) The definition of “contribution” was substituted by regulation 4(4)(a) of S.R. 1996 No. 405 and amended by regulation 3(1) and (2)(c) of S.R. 1998 No. 81, regulation 4(2)(a) of S.R. 1999 No. 317 and regulation 2(1)(c) of S.R. 2001 No. 278

(5) Paragraph (3) was amended by regulation 9 of S.R. 1993 No. 145

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(6) In regulation 71(1)(6) (who may claim), for “a married or unmarried couple” there shall be substituted “a couple”.

(7) In Schedule 1A(7) (decisions of rent payable), in paragraph 9(a) (size criteria), for “a married or an unmarried couple” there shall be substituted “a couple”.

(8) In Schedule 2 (applicable amounts), in paragraph 8A(1)(b)(8), after “on or after 9th April 2001” there shall be inserted “or of a civil partner who died on or after 5th December 2005”.

(9) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 13(c)(9) for “widow or widower” there shall be substituted “surviving spouse or surviving civil partner”;

(b) in paragraph 37(10)—

(i) in sub-paragraph (2)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”,

(ii) in sub-paragraph (3)(11), after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”,

(iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and

(iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”;

(c) in paragraph 56(12), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;

(d) in paragraph 57(13), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;

(e) in paragraph 58(1)(14)—

(i) in head (a), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”, and

(ii) in head (b), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”.

(10) In Schedule 5 (capital to be disregarded)—

(a) in paragraph 4(b)(15), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that has been dissolved”;

(b) in paragraph 23(16)—

(6) Paragraph (1) was amended by regulation 3(1) of, and Schedule 1 to, [S.R. 2001 No. 215](#)

(7) Schedule 1A was inserted by Schedule 1 to [S.R. 1996 No. 111](#)

(8) Paragraph 8A was inserted by regulation 4(2)(b) of [S.R. 2000 No. 260](#) for the period 9th April 2001 to 9th April 2006 only

(9) Paragraph 13 was substituted by regulation 4(2)(a) of [S.R. 1995 No. 410](#) and sub-paragraph (c) was amended by regulation 2 of [S.R. 1995 No. 481](#) and regulation 3(3)(b) of [S.R. 2002 No. 128](#)

(10) Paragraph 37 was substituted by regulation 3(7) of [S.R. 1991 No. 204](#)

(11) Sub-paragraph (3) was amended by regulation 4(7)(c)(i) of [S.R. 1992 No. 201](#)

(12) Paragraph 56 was added by regulation 12(b) of [S.R. 1994 No. 335](#) and amended by regulation 3(3)(c) of [S.R. 2002 No. 128](#)

(13) Paragraph 57 was added by regulation 12(b) of [S.R. 1994 No. 335](#) and amended by regulation 3(3)(c) of [S.R. 2002 No. 128](#)

(14) Paragraph 58 was added by regulation 12(b) of [S.R. 1994 No. 335](#) and sub-paragraph (1) was amended by regulation 3(3)(d) and (e) of [S.R. 2002 No. 128](#)

(15) Paragraph 4 was substituted by regulation 20(a) of [S.R. 1988 No. 424](#)

(16) Paragraph 23 was substituted by regulation 3(8)(a) of [S.R. 1991 No. 204](#)

- (i) in sub-paragraph (2)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”,
- (ii) in sub-paragraph (3)(**17**), after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”,
- (iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and
- (iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”;
- (c) in paragraph 24(**18**), after “or divorce from” there shall be inserted “, or dissolution of his civil partnership with,”;
- (d) in paragraph 59(c) and (d)(**19**), after “deceased spouse” there shall be inserted “or deceased civil partner”;
- (e) in paragraph 63(**20**), after “deceased spouse” (in each place where it occurs) there shall be inserted “or deceased civil partner”.

(17) Sub-paragraph (3) was amended by regulation 4(8)(a)(iii) of [S.R. 1992 No. 201](#)

(18) Paragraph 24 was added by regulation 5 of [S.R. 1988 No. 186](#) and amended by regulation 12 of [S.R. 1989 No. 125](#) and regulation 3(3)(b) of [S.R. 2004 No. 45](#)

(19) Paragraph 59 was added by regulation 2(b) of [S.R. 2001 No. 4](#)

(20) Paragraph 63 was added by regulation 2(b) of [S.R. 2001 No. 392](#)