

1983 No. 291

SOCIAL SECURITY

The Supplementary Benefit (Housing Benefits) (Requirements and Resources) (Consequential Amendments) Regulations (Northern Ireland) 1983

Made 22nd September 1983

Coming into operation 21st November 1983

The Department of Health and Social Services, in exercise of the powers conferred on it by paragraphs 1(2), 2(1), (3) and (4) of Schedule 1 to the Supplementary Benefits (Northern Ireland) Order 1977(a) and Article 8(1) of the Housing Benefits (Northern Ireland) Order 1983(b) and of all other powers enabling it in that behalf, and with the consent of the Department of Finance and Personnel(c), hereby makes the following regulations which satisfy the requirements of Article 7(7) of the Housing Benefits (Northern Ireland) Order 1983 and which accordingly are not subject to the requirement of section 10(1) of the Social Security Act 1980(d) for prior reference to the Social Security Advisory Committee:

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Housing Benefits) (Requirements and Resources) (Consequential Amendments) Regulations (Northern Ireland) 1983 and shall come into operation on 21st November 1983.

Amendment of the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983

2.—(1) The Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983(e) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) after the definition of “available capital” there shall be inserted the following definition—

““benefit week” has the meaning assigned to it by regulation 7(2) of the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(f) (date of commencement, change and termination of entitlement);”;

(b) after the definition of “the home” there shall be inserted the following definitions—

““housing benefit” has the meaning assigned to it in regulation 2(3) of the Housing Benefits Regulations;

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- (a) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule
- (b) S.I. 1983/1121 (N.I. 14)
- (c) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6), Article 3. *See* also Article 41(1) of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by the Social Security (Northern Ireland) Order 1980
- (d) 1980 c. 30
- (e) S.R. 1983 No. 61; the relevant amending regulations are S.R. 1983 No. 115
- (f) S.R. 1980 No. 423; the relevant amending regulations are S.R. 1981 No. 215, S.R. 1982 No. 295 and S.R. 1983 No. 290

“housing benefit expenditure” means expenditure of a kind for which housing benefit may be granted;

“Housing Benefits Order” means the Housing Benefits (Northern Ireland) Order 1983;

“Housing Benefits Regulations” means the Housing Benefits Regulations (Northern Ireland) 1983(a);”,

and in the definition of “non-dependant” for “other than” there shall be substituted “including”.

(3) In regulation 4(1) (the category of normal requirements) after “other than” there shall be inserted “housing benefit expenditure and”.

(4) In regulation 5 (amounts applicable for normal requirements)—

(a) in paragraph (5)(a) for the words from “under Part IV” to “relates” there shall be substituted “is responsible for housing expenditure”;

(b) after paragraph (5) there shall be inserted the following paragraph—

“(6) For the purpose of paragraph (5) a person is responsible for housing expenditure if, otherwise than by reason only of regulation 14(4A) or 19A, he is to be treated under sub-paragraph (a) of regulation 14(3) as responsible for expenditure but as if that sub-paragraph applied also to housing benefit expenditure (as well as to the items of housing requirements other than the non-householder’s contribution).”.

(5) In regulation 7 (long-term rates for normal requirements) there shall be added at the end the following paragraph—

“(8) Where a person—

(a) has, in respect of a period which includes the day preceding the appointed day, been entitled to an allowance not subject to the condition of availability but did not fully satisfy the condition in paragraph (1)(b);

(b) ceased to be entitled to an allowance because he or his partner became entitled to housing benefit on or after the appointed day;

(c) on the date on which he would, but for the reason in sub-paragraph (b), have satisfied the conditions in paragraph (1)(b), is, or his partner is, in receipt of housing benefit; and

(d) on that date would, if he were entitled to an allowance, not be subject to the condition in Article 7(1)(a),

he shall be treated as having satisfied that condition on that date; and in this paragraph “appointed day” means 21st November 1983.”.

(6) In regulation 9(2) (boarders) for “Article 59 of the Rent (Northern Ireland) Order 1978(a)” there shall be substituted “the Housing Benefits Order”.

(7) In regulation 12 (heating) in paragraph (2)—

(a) sub-paragraph (c)(ii) shall be omitted, and

(b) for sub-paragraphs (g) and (h) there shall be substituted the following sub-paragraphs—

“(g) no amount shall be applicable to a householder under any of paragraphs 1 to 3 or 5 to 7 where the home is occupied under a tenancy as a condition of which a charge, not subject to refund or surcharge, is payable in respect of heating, so however that where, in the opinion of the benefit officer, such charge provides for part only or none of the necessary heating of the home—

- (i) amounts may be applicable under either paragraphs 1 and 2 or paragraph 3,
- (ii) no amount shall be applicable under paragraph 5,
- (iii) an amount may be applicable under one, but not both, of paragraphs 6 and 7,
- (iv) amounts shall be applicable under only one of heads (i) and (iii);
- (h) where an amount is applicable under paragraph 4A no amount shall be applicable under paragraphs 1 to 3 or 5 to 7;";

and paragraph (3) of regulation 12 shall be omitted.

(8) In regulation 14 (housing requirements)—

(a) in paragraph (1)—

- (i) sub-paragraphs (a) and (f) shall be omitted;
- (ii) after sub-paragraph (g) there shall be inserted the following sub-paragraph—

“(h) housing benefit supplement.”;

(b) in paragraph (2)(a) for the reference to “regulations 15 to 20” there shall be substituted a reference to “regulations 16 to 19A”;

(c) for paragraph (3)(a) there shall be substituted the following sub-paragraph—

“(a) a person shall be treated as responsible for expenditure—

- (i) for which he is liable, other than to a person who is a member of the same household,
- (ii) which, because the person liable is not meeting it, he has to meet if he is to continue to live in the home and for which the benefit officer is satisfied that it is reasonable in the circumstances to treat him as responsible,
- (iii) in relation to an amount applicable under paragraph (1) of regulation 17 by virtue of sub-paragraph (a) of that paragraph, where he is the person there specified (owner-occupiers),
- (iv) which he in practice shares with one or more other members of the household, not being close relatives of his, at least one of whom either is responsible under one of the preceding heads of this sub-paragraph or has an equivalent responsibility for housing benefit expenditure and for which the benefit officer is satisfied that it is reasonable in the circumstances to treat him as sharing responsibility,

so however that a claimant shall be treated as responsible for any expenditure for which a dependant of his would otherwise be treated as responsible;”;

(d) after paragraph (4) there shall be inserted the following paragraphs—

“(4A) For the purposes of this Part other than regulation 23 (non-householder’s contribution)—

- (a) a garage rented separately from the home shall be treated as part of the home provided that all reasonable efforts are being made to terminate the liability;
- (b) where the assessment unit changes its home, “the home” shall include both the old and the new home—
 - (i) for a period of overlap not exceeding 4 weeks where the overlap of liability is unavoidable; or
 - (ii) where this is reasonable because the old home was left through fear of domestic violence.

(4B) No amount shall be applicable under regulations 16 to 19 in respect of housing benefit expenditure.”

(9) Regulation 15 (rent) shall be omitted.

(10) In regulation 17(1) (maintenance and insurance)—

(a) in sub-paragraph (a) there shall be added at the end “including a person who occupies the home under a rental purchase agreement, that is to say where the home is being acquired through payments for a fixed period of rent which includes a capital element attributable to the landlord’s interest in the home.”;

(b) sub-paragraph (b) shall be omitted.

(11) For regulation 19 there shall be substituted the following regulations—

“Miscellaneous outgoings

19. The amounts, calculated on a weekly basis, of the following outgoings payable in respect of the home shall be applicable under this regulation—

- (a) recurring charges for the emptying of cess-pits and septic tanks and the cost of fluid and materials to service a chemical toilet;
- (b) service charges (for example for maintenance, insurance, management and the cleaning of common areas) but subject to deduction, where the charges provide for any item which is identified in regulation 4(1) (meaning of normal requirements), of the amount which, in the opinion of the benefit officer, is attributable to that item, and excluding any amount which is not housing benefit expenditure by virtue of paragraph 8 of Schedule 3 to the Housing Benefits Regulations (deductions for services other than charges for fuel);
- (c) ground rent;
- (d) land purchase annuity;
- (e) outgoings analogous to those mentioned in this Part.

Housing benefit supplement

19A.—(1) Subject to paragraphs (3) and (4) where—

- (a) the resources of the assessment unit are sufficient to meet its requirements as determined apart from this regulation; and
- (b) a member of the assessment unit has been granted one or more housing benefits other than under regulation 9 of the Housing Benefits Regulations (certificated cases) or would have been so granted but for regulation 20(1) of those regulations (minimum amount of housing benefit),

there shall be applicable to the claimant an amount (“housing benefit supplement”) determined in accordance with paragraph (2).

(2) The amount referred to in paragraph (1) shall be the difference, calculated on a weekly basis, between—

- (a) the aggregate amount of any eligible rates and eligible rent as ascertained for the purposes of the Housing Benefits Regulations less the amount of any deductions made under regulation 18 of those regulations (deductions for non-dependants); and
- (b) the actual amount of the housing benefit entitlement.

(3) The amount applicable under paragraphs (1) and (2) shall be increased in the circumstances mentioned in sub-paragraph (b) of regulation 22(5) by the amount of any deduction made under regulation 18 of the Housing Benefits Regulations.

(4) Where—

- (a) for the purposes of ascertaining eligible rent under the Housing Benefits Regulations an amount has been deducted under paragraph 2 of Schedule 3 to those regulations in respect of a charge for an item of fuel; and
- (b) if any of paragraphs 3 to 5 of that Schedule had applied, the deduction made in respect of that item would have been of a lesser amount,

for the purposes of paragraph (2)(a) there shall be added to the eligible rent the difference between the amounts mentioned in sub-paragraphs (a) and (b) of this paragraph.

(5) No amount shall be applicable under this regulation where any member of the assessment unit is a person to whom Article 12 or 13 (persons affected by, or returning to full-time employment following, trade disputes) applies.”

(12) In regulation 20 (special cases)—

- (a) paragraphs (1) to (5) shall be omitted; and
- (b) in paragraph (6)—

- (i) for sub-paragraph (c) there shall be substituted the following sub-paragraph—

“(c) in consequence of the acquisition the aggregate of any amounts which would, but for this paragraph, be applicable under regulations 16, 17 and 19 exceeds the amount of the eligible rent for the purposes of regulation 16 of the Housing Benefits Regulations immediately before the acquisition;”

- (ii) for “restricted to that applicable” there shall be substituted “restricted to the amount of the eligible rent”.

(13) In regulation 21 (restriction where amounts excessive)—

- (a) in paragraph (1) for the reference to “regulations 15 to 20” there shall be substituted a reference to “regulations 16 to 19”;
- (b) for paragraph (2) there shall be substituted the following paragraph—

“(2) Subject to paragraphs (3) and (4), the amounts so applicable shall be regarded as excessive and shall be restricted, and the excess not allowed, if and to the extent that the home, excluding any part which is let or is normally occupied by boarders, is unnecessarily large for the assessment unit and any other non-dependants or is located in an unnecessarily expensive area.”

(14) In regulation 22 (reduction in amounts applicable for certain occupants of the home)—

- (a) in paragraph (1) for the reference to “regulations 15 to 20” there shall be substituted “regulations 16 to 19”;
- (b) in paragraph (2) in sub-paragraph (a), heads (i) and (ii) shall be omitted and in head (iii) the words from “£0.35” to “additionally” shall be omitted and sub-paragraph (b) shall be omitted;
- (c) in paragraph (4) for sub-paragraphs (c) and (d) there shall be substituted the following sub-paragraphs—

“(c) in respect of a non-dependant who is not in receipt of pension or allowance in respect of whom the conditions specified in paragraph (6) are not fulfilled—

- (i) where he is aged 18 or more but under 21, £3.95,
- (ii) where he is aged 21 or more but is under pensionable age, £4.70,
- (iii) where he is of pensionable age, £2.20;

- (d) in respect of a group of non-dependants to whom sub-paragraph (b) applies, the amounts ascertained under sub-paragraph (c) as though for the reference to the non-dependant there were substituted a reference to the head of the group of non-dependants; and
- (e) for a non-dependant who is aged 18 or more and in receipt of pension or allowance or who is a person in respect of whom the conditions specified in paragraph (6) are fulfilled, or for a group of non-dependants to whom sub-paragraph (a) applies of which the head is aged 18 or more, £2.20.”;
- (d) in paragraph (5)—
- (i) in sub-paragraph (c) for “or group of non-dependants” there shall be substituted “who is not a boarder or in respect of a group of non-dependants none of whom is a boarder”, and
- (ii) after sub-paragraph (c) there shall be added the following sub-paragraphs—
- “(d) for a non-dependant or group of non-dependants in respect of whom a deduction is required to be made under regulation 18 of the Housing Benefits Regulations in the calculation of a rent rebate or a rent allowance for the claimant or his partner;
- (e) for a non-dependant¹ who is receiving full-time education at an educational establishment and whose needs are provided for, in whole or in part, by the claimant or his partner, or for a group of non-dependants where the head of that group is receiving such education and his needs are so provided for;
- (f) for a non-dependant who is a boarder income from whom is treated as earnings of the claimant under regulation 10(2)(b) of the Resources Regulations, or for a group of non-dependants of which the head is a boarder income from whom is so treated.”;
- (e) after paragraph (5) there shall be added the following paragraphs—
- “(6) The conditions referred to in paragraph (4)(c) and (e) are, in respect of a non-dependant,—
- (a) that he has income consisting only of one or more of the following benefits—
- (i) unemployment benefit under section 14 of the Act,
- (ii) sickness benefit under section 14 of the Act,
- (iii) maternity allowance under section 22 of the Act,
- (iv) child benefit under the Child Benefit (Northern Ireland) Order 1975(a);
- (b) that each of the 56 days immediately preceding the relevant day was a day—
- (i) in respect of which he was in receipt of injury benefit payable by virtue of regulation 19 of the Social Security (Abolition of Injury Benefit) (Consequential) Regulations (Northern Ireland) 1983(b) or in receipt of a benefit specified in any of heads (i) to (iii) of sub-paragraph (a) or would have been entitled to any such benefit but for section 14(3) of the Act (first three days) or section 17(1)(e) of the Act (Sundays and certain other days), or

(a) S.I. 1975/1504 (N.I. 16)

(b) S.R. 1983 No. 36

- (ii) which, for the purposes of Part II of the Social Security (Northern Ireland) Order 1982 (statutory sick pay), was a day of incapacity for work in relation to his contract of service (and, if more than one, to each such contract) and fell within a period of entitlement to statutory sick pay; and
- (c) that, subject to paragraphs (7) and (8), the Department has been furnished with a statement signed by the non-dependant to the effect that he fulfils the first two conditions.

(7) Where—

- (a) a determination (in this paragraph referred to as “the original determination”) has been made by a benefit officer that a deduction of the amount specified in paragraph (4)(c)(i) or (ii) shall be made in respect of a non-dependant in the claimant’s household;
- (b) that claimant, within 28 days of notice of the original determination having been given or sent to him requests that it be reviewed or appeals to an Appeal Tribunal;
- (c) upon the determination made on the review of or on appeal from the original determination each of the conditions specified in paragraph (6) is fulfilled; and
- (d) the first two conditions—
 - (i) were fulfilled at the date of the original determination, or
 - (ii) became fulfilled at some time after that date but before the date of the determination made on the review of or on appeal from the original determination;

the third condition shall, for the purposes of this regulation, be treated as having been fulfilled, in a case to which sub-paragraph (d)(i) applies, from the date of the original determination, or, in a case to which sub-paragraph (d)(ii) applies, from the date on which the first two conditions became fulfilled.

(8) Where—

- (a) the claimant is entitled to a pension or allowance in the benefit week beginning in the calendar week beginning 14th November 1983;
- (b) in that benefit week a reduction was made under paragraph (3) of the amount specified in paragraph (4)(c) as then in operation;
- (c) the first two conditions are fulfilled on the first day of the benefit week beginning in the calendar week beginning 21st November 1983 (“the second benefit week”); and
- (d) the third condition is fulfilled within the period of 28 days beginning with the first day of the second benefit week,

the third condition shall be treated as having been fulfilled from the first day of the second benefit week.

(9) Where the claimant is entitled to a pension or allowance in the benefit week beginning in the calendar week beginning 14th November 1983 (“the first benefit week”) and in the benefit week beginning in the calendar week beginning 21st November 1983 (“the second benefit week”) and—

- (a) in the first benefit week income is derived from a person who pays a charge for board and lodging in the home and in the calculation of the claimant’s resources an amount falls to be taken into account under regulation 10(2)(b)(i) of the Resources Regulations;
- (b) in the second benefit week—

- (i) an amount would fall to be taken into account under that regulation 10(2)(b)(i), if it were still in operation, in respect of income derived from that person,
- (ii) a deduction is applicable in respect of that person under either, or both of, this regulation and regulation 18 of the Housing Benefits Regulations, and
- (iii) the amount of the deduction mentioned in head (ii) exceeds the amount mentioned in head (i) after the application of any disregard of the latter amount under regulation 10(5) of the Resources Regulations,

there shall, for the period of entitlement, be applicable to him an amount equal to the excess mentioned in head (iii), except that if in any benefit week following the second benefit week there is any increase in the claimant's total income by way of supplementary benefit which is attributable to a change of circumstances, the amount so applicable shall be reduced by the amount of that increase.

(10) In this regulation—

- (a) a reference to the head of a group of non-dependants is—
 - (i) where regulation (4)(a) applies, to the person to whom the pension or allowance is payable, and
 - (ii) where regulation (4)(b) applies, to the person to whom the pension or allowance would be payable;
- (b) in paragraph (6) “relevant day” means—
 - (i) in relation to a determination of a claim for a pension or allowance, except where paragraph (7) applies, any day within the period of 7 days ending with that on which the claim is made,
 - (ii) in relation to a request to review a determination, except where paragraph (7) or (8) applies, any day within the period of 7 days ending on that on which the review is requested,
 - (iii) where paragraph (7) applies, any day subsequent to the original determination referred to in that paragraph, and
 - (iv) where paragraph (8) applies, the first day of the second benefit week referred to in that paragraph;
- (c) in paragraphs (6), (7) and (8) a reference to the first two conditions is to those specified in sub-paragraphs (a) and (b) of paragraph (6) and a reference to the third condition is to that specified in sub-paragraph (c) of that paragraph; and
- (d) in paragraph (9) “period of entitlement” means a continuous period, beginning with the beginning of the second benefit week, during which the claimant is entitled to a pension or an allowance and throughout which regulation 10(2)(b)(i) of the Resources Regulations would, if still in operation, continue to apply in respect of income derived from the person mentioned in paragraph (9) of this regulation and ending—
 - (i) when the claimant ceases to be entitled to a pension or an allowance,
 - (ii) when the said regulation 10(2)(b)(i) would, if still in operation, cease to apply in respect of such income, or
 - (iii) on the day immediately preceding the day on which the sums mentioned in paragraph (4) of this regulation are first increased after the coming into operation of this sub-paragraph,

whichever is the earliest.”

(15) In regulation 23 (non-householder's contribution)—

- (a) in paragraph (1) for sub-paragraphs (a) and (b) there shall be substituted “the weekly amount of £3·10”; and

(b) in paragraph (2) after "claimant" there shall be inserted "who is aged 18 or over".

(c) after paragraph (2) there shall be added the following paragraphs—

"(3) Where the claimant is entitled to an allowance in the benefit week beginning in the calendar week beginning 14th November 1983 ("the first benefit week") and in the benefit week beginning in the calendar week beginning 21st November 1983 ("the second benefit week") and—

- (a) (i) in the first benefit week he was aged 16 or 17 and the provisions of this regulation then in operation applied to him, and
- (ii) in the second benefit week those provisions would, if they were in operation, continue to be applicable to him, those provisions shall, for the period of entitlement, continue to be applicable to him;
- (b) in the first benefit week an amount was applicable to him under paragraph (1)(b) of this regulation as then in operation, that amount shall, for the period of entitlement, continue to be applicable to him except that if in any benefit week following the second benefit week there is any increase in the claimant's total income by way of supplementary benefit which is attributable to a change of circumstances, the amount so applicable shall be reduced by the amount of that increase.

(4) In paragraph (3) "period of entitlement" means a continuous period, beginning with the beginning of the second benefit week, during which the claimant is entitled to an allowance, and—

- (a) in relation to sub-paragraph (a), throughout which the provisions mentioned therein would, if still in operation, continue to apply to him and ending—
 - (i) when the claimant ceases to be entitled to an allowance, or
 - (ii) when those provisions would, if still in operation, cease to apply to him, or
 - (iii) on the day before the provisions of paragraph (2) apply to him, whichever is the earliest;
- (b) in relation to sub-paragraph (b), throughout which an amount would continue to be applicable to him under the paragraph (1)(b) specified therein and ending—
 - (i) when the claimant ceases to be entitled to an allowance, or
 - (ii) when an amount would cease to be applicable to him under that paragraph (1)(b) if still in operation, whichever is the earlier."

(16) In Part I of Schedule 3 (additional requirements for heating) paragraph 4 shall be omitted and the following paragraph shall be inserted—

"4A. A person either who, not being a partner, has been absent from home for a continuous period of more than 13 weeks or to whom regulation 9 or paragraph 1 or 2 of Schedule 2 applies and—

4A. The weekly amount of the deduction being made under any of paragraphs 3 to 6 of the Schedule 3 mentioned in column (1)."

- (a) is entitled to housing benefit under regulation 9 of the Housing Benefits Regulations (certificated cases); and

- (b) for the purposes of calculating his eligible rent pursuant to regulation 16 of those regulations a deduction is being made for fuel under any of paragraphs 3 to 6 of Schedule 3 to those regulations.

Amendment of the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981

3.—(1) The Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) after the definition of “benefit week” there shall be inserted the following definition—

““boarder” has the meaning assigned to it in the Requirements Regulations;” and

(b) after the definition of “home” there shall be inserted the following definitions—

““housing benefit” has the meaning assigned to it in regulation 2(3) of the Housing Benefits Regulations;

“Housing Benefits Regulations” means the Housing Benefits Regulations (Northern Ireland) 1983(b)”.

(3) In regulation 3 (calculation of resources) there shall be added to paragraph (2) the following sub-paragraph—

“(g) any arrears of housing benefit shall be treated as a capital resource, but any other payment in respect of housing benefit shall not be treated as a resource”.

(4) In paragraph (9) of regulation 4 (notional earnings of seasonal workers), in sub-paragraph (b) for the words from “twice the total” to “housing requirements)” there shall be substituted the words “two and a half times the total normal and additional requirements which would, during that period, have been applicable to him”.

(5) In paragraph (1)(e) of regulation 6 (disregard of arrears of certain benefits) there shall be added the following head—

“(iii) housing benefit”;

(6) In regulation 10 (calculation of earnings)—

(a) in paragraph (1) there shall be added after sub-paragraph (g) the following sub-paragraph—

“(h) any sum paid for the purpose of retaining any accommodation in the home as a boarder”;

(b) in paragraph (2)—

(i) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

(a) S.R. 1981 No. 370; the relevant amending regulations are S.R. 1982 Nos. 239 and 242
 (b) S.R. 1983 No. 292

“(b) where accommodation for which a charge for board and lodging is payable is made available in the home, income consisting of payments of such a charge shall be treated as earnings only where such accommodation is made available in the home for three or more persons (whether or not at any time such accommodation is occupied by three or more persons);”, and

(ii) in sub-paragraph (e) (“twice times rule” for persons affected by trade disputes), in head (ii) for “twice the normal and housing requirements” there shall be substituted “two and a half times the normal requirements”.

(c) in paragraph (3) after sub-paragraph (e) there shall be inserted the following sub-paragraph—

“(f) in relation to any income which falls to be treated as earnings under paragraph (2)(b), —

(i) two thirds of that income, and

(ii) an amount equal to any deductions made, in respect of the persons from whom the income is derived, under regulation 18 of the Housing Benefits Regulations in the calculation of any housing benefit of the claimant or his partner.”.

(7) In paragraph (4) of regulation 11 (disregarded resources in calculation of income other than earnings)—

(a) for sub-paragraph (j) there shall be substituted the following sub-paragraph—

“(j) any payment, other than one to which regulation 13 applies, which is intended and used for—

(i) the provision of a leisure or amenity item, or

(ii) the provision of an item for which provision is not made in the amount applicable for normal requirements, for which housing benefit is not payable to the claimant or his partner and in respect of which, in the determination of the claimant’s additional or housing requirements either no amount is applicable or an amount is applicable but the payment is for an item of which the cost is in excess of that amount, so however that in the latter case only the amount of the difference between the amount applicable and the cost shall be disregarded under this sub-paragraph,

and head (ii) shall apply in respect of a payment used to meet any amount regarded as excessive under regulation 21 of the Requirements Regulations or regulation 17 of the Housing Benefits Regulations.”;

(b) for sub-paragraph (k) there shall be substituted the following sub-paragraph—

“(k) any contribution in respect of housing made by a person who is a non-dependant within the meaning of the Requirements Regulations or the Housing Benefits Regulations, and any payment of a charge for board and lodging from a boarder in the home, other than any such payment which falls to be treated as earnings under regulation 10(2)(b).”.

(8) In paragraph (5) of regulation 11 (resources, other than earnings, which are disregarded in part), for sub-paragraph (d) there shall be substituted the following sub-paragraph—

“(d) the amount, if any, by which the amount receivable from letting part of the home, calculated on a weekly basis, exceeds—

(i) in a case to which regulation 21(2) of the Housing Benefits Regulations applies, housing benefit as assessed under regulation 21(1) of those regulations,

- (ii) in a case to which regulation 21(3) of those regulations applies, the aggregate of the amount of housing benefit as assessed under regulation 21(1) of those regulations and any amount applicable under regulation 22(2)(c) of the Requirements Regulations and the amount applicable under regulations 16 to 19 of those regulations,
- (iii) in a case where the letting is land, the aggregate amount applicable under regulations 16 to 19 of the Requirements Regulations less, where applicable, any amounts calculated in accordance with regulation 22(2) of those regulations;”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 22nd September 1983.

(L.S.)

A. N. Burns

Assistant Secretary

The Department of Finance and Personnel for Northern Ireland hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 22nd September 1983.

(L.S.)

N. R. Cowling

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983 (the "Requirements Regulations") and the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981 (the "Resources Regulations") which govern the determination of a person's requirements and resources for the purposes of supplementary benefit under the Supplementary Benefits (Northern Ireland) Order 1977 as extensively amended by the Social Security (Northern Ireland) Order 1980. They are made in consequence of the coming into operation of the Housing Benefits Regulations (Northern Ireland) 1983 which contain statutory schemes for the granting by the Department of the Environment for Northern Ireland or the Northern Ireland Housing Executive, of rate rebates, rent rebates and rent allowances (together called "housing benefits"). Under those regulations which come into operation on 21st November 1983, provision for certain items which is now made by supplementary benefit will be made instead by housing benefits.

Regulation 2 amends the Requirements Regulations so that in the calculation of a claimant's requirements for the purposes of determining his entitlement to supplementary benefit there is excluded any expenditure of a kind for which housing benefit may be granted. The definition of non-dependant is amended so as to include boarders (who will have that status for the purpose of housing benefit). Provision is made so that "housing benefit expenditure" is not to be included in the items to which the category of normal requirements relates, and in regulation 5 of the Requirements Regulations a further paragraph is inserted to the effect that a claimant is to be regarded as a "householder" if he is treated as responsible for certain items of housing expenditure, including housing benefit expenditure. A transitional provision is added to regulation 7 so as to enable persons, who consequential upon the introduction of housing benefit cease to receive supplementary benefit, to satisfy the conditions for the long-term rate of supplementary benefit. In regulation 12 of the Requirements Regulations amendments are made to regulate the circumstances in which additional requirements for heating are to be available to tenants who pay a charge in respect of heating along with, or as part of, their rent.

Part IV of the Requirements Regulations (housing requirements) is substantially amended to exclude (except in certain limited circumstances) items of housing benefit expenditure, in particular rent, from the items to which the category of housing requirements relates. A new regulation 19 is substituted which preserves as such items, service charges, certain recurring charges, ground rent and land purchase annuity.

Provision is made in the new regulation 19A for the inclusion of a new item, known as housing benefit supplement, where, apart from that regulation, the claimant's resources are sufficient to meet his requirements but he is entitled to a housing benefit. The amount of housing benefit supplement is increased for certain persons in the assessment of whose housing benefit an amount has been deducted for charges for heating, hot water, lighting or cooking included in the rent.

Regulation 22 of the Requirements Regulations (which provides for deductions to be made from housing requirements in respect of a non-dependant in the household) is amended to provide that such deductions are to be made only in respect of a non-dependant over the age of 18, and at different rates according to the age of the non-dependant. In addition a deduction made, in the calculation of a person's housing requirements, for non-dependant persons living in his home is reduced where the non-dependant has an income consisting only of specified benefits and has been in

receipt of specified benefits for at least 56 days. It is also provided that no deduction at all shall be made in respect of certain students and boarders or where a deduction is to be made in the calculation of rent rebate or allowance.

Transitional provision is made for a person whose existing entitlement to supplementary benefit on 21st November 1983 would be reduced because of changes in the way in which boarders in his household are treated.

An amendment is also made to regulation 23 of the Requirements Regulations so that a non-householder's contribution is applicable only in the case of persons over the age of 18 and transitional provision is made for persons aged 16 or 17 whose existing entitlement to supplementary benefit on 21st November 1983 is affected by the abolition of the non-householder's contribution.

Regulation 3 amends the Resources Regulations. Regulations 3 and 6 of those regulations are amended so that housing benefit is not treated as a resource, unless any benefit is paid in arrear, when it is to be treated as a capital resource but disregarded for the first 12 months. The formula (laid down in regulation 4 of the Resources Regulations) according to which a seasonal worker is treated as having notional earnings in his off-season is amended so that instead of being by reference to twice the normal, additional and housing requirements during the relevant period it is to be by reference to $2\frac{1}{2}$ times the normal and additional requirements during that period. In regulation 10 of the Resources Regulations the provision for calculating net earnings from receipts from a boarder in the home is altered. Payments for board and lodging are to be treated as earnings only in certain cases and in those cases part of that income is to be disregarded. Where such payments are not treated as earnings they are to be disregarded in full.

The formula provided in regulation 10 of the Resources Regulations for calculation of the earnings of a person affected by a trade dispute for the first week in which he is treated as not being in work is amended so that instead of being by reference to twice the normal and housing requirements in that week it is to be by reference to $2\frac{1}{2}$ times the normal requirements for that week. In regulation 11 of those regulations the provision for the disregard of any payment made and used for an item for which provision is not made in the assessment of the claimant's requirements is extended to any item for which provision is not made in the assessment of his housing benefit.