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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 238**

**HOUSING**

**The Housing Benefit (General) (Amendment  
No. 3) Regulations (Northern Ireland) 2001**

*Made* - - - - *8th June 2001*

*Coming into operation* *2nd July 2001*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1) (d), 129(2) and (4) and 171(1), (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup> and now vested in it<sup>(2)</sup>, and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 2001 and shall come into operation on 2nd July 2001.

(2) In these Regulations “the principal Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987<sup>(3)</sup>.

(3) The Interpretation Act (Northern Ireland) 1954<sup>(4)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment of Schedule 1A to the principal Regulations**

2. In Schedule 1A to the principal Regulations<sup>(5)</sup> (decisions of rent payable)—

(a) in paragraph 4(2)(b)(iii)<sup>(6)</sup> (local reference rents) for “kitchen or toilet” in both places where those words occur, there shall be substituted “kitchen, toilet, bathroom and room suitable for living in”;

(b) in paragraph 4A<sup>(7)</sup> (single room rents) for sub-paragraph (2)(b) there shall be substituted the following sub-paragraph—

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(1) 1992 c. 7

(2) See Article 8(b) of S.R. 1999 No. 481

(3) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1996 Nos. 111 and 181, S.R. 1998 No. 114 and S.R. 2001 Nos. 1 and 79

(4) 1954 c. 33 (N.I.)

(5) Schedule 1A was inserted by Schedule 1 to S.R. 1996 No. 111

(6) Paragraph 4(2)(b) was amended by regulation 6 of S.R. 2000 No. 1

(7) Paragraph 4A was inserted by regulation 8 of S.R. 1996 No. 181 and amended by regulation 2(3) of S.R. 1998 No. 114

- “(b) that, under the uncontrolled tenancy, the tenant—
- (i) has the exclusive use of one bedroom;
  - (ii) does not have the use of any other bedroom;
  - (iii) shares the use of a room suitable for living in;
  - (iv) shares the use of a toilet and bathroom, and
  - (v) shares the use of a kitchen and does not have the exclusive use of facilities for cooking food, and”.

### **Amendment of Schedule 1B of the principal Regulations**

- 3.** In Schedule 1B to the principal Regulations~~(8)~~ (excluded tenancies)—
- (a) in paragraph 2(2)(a) and (b)~~(9)~~ at the beginning there shall be inserted “subject to head (c)”;
  - (b) after paragraph 2(2)(b) there shall be added the following head—
    - “or
    - (c) in a case where sub-paragraph (1) applies and the determination was made before 2nd July 2001 and it was, or was made in conjunction with, a determination of a single room rent pursuant to paragraph 4A of Schedule 1A.”;
  - (c) in paragraph 2(3)(d)~~(10)~~ at the end there shall be inserted “on or after 2nd July 2001.”.

Sealed with the Official Seal of the Department for Social Development on 8th June 2001.

L.S.

*John O'Neill*  
Senior Officer of the  
Department for Social Development

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**(8)** Schedule 1B was inserted by Schedule 2 to S.R. 1996 No. 111  
**(9)** Paragraph 2(2) was substituted by regulation 7 of S.R. 2001 No. 79  
**(10)** Head (d) was added by regulation 9 of S.R. 1996 No. 181

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987.

Regulation 2 extends the criteria which the Northern Ireland Housing Executive should have regard to when deciding a single room rent from 2nd July 2001.

Regulation 3 amends Schedule 1B to those Regulations consequential upon amendments to the criteria applying to determinations of a single room rent.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose any charge on business.