
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 136

The Housing Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 2011

Amendment of the Housing Benefit Regulations

4.—(1) The Housing Benefit Regulations (Northern Ireland) 2006⁽¹⁾ are amended in accordance with paragraphs (2) to (9).

(2) In regulation 19(3) (circumstances in which a person is to be treated as being or not being a member of the household) after “as a member of the claimant’s household” insert “, nor as occupying the claimant’s dwelling.”.

(3) In regulation 81 (time and manner in which claims are to be made) for paragraph (12)⁽²⁾ substitute—

“(12) Where a claimant (“C”)—

- (a) makes a claim which includes (or which C subsequently requests should include) a period before the claim is made; and
- (b) from a day in that period, up to the date when C made the claim (or subsequently requested that the claim should include a past period), C had continuous good cause for failing to make a claim (or request that the claim should include that period),

the claim is to be treated as made on the date determined in accordance with paragraph (12A).

(12A) That date is the latest of—

- (a) the first day from which C had continuous good cause;
- (b) the day 6 months before the date the claim was made;
- (c) the day 6 months before the date when C requested that the claim should include a past period.”.

(4) In regulation 84(1)⁽³⁾ (duty to notify changes of circumstances) for sub-paragraphs (a) and (b) substitute—

“(a) in writing;

(b) by telephone—

- (i) where the relevant authority has published a telephone number for that purpose or for the purposes of regulation 81 unless the authority determines that in any particular case or class of case notification may not be given by telephone, or
- (ii) in any case or class of case where the relevant authority determines that notice may be given by telephone; or

(1) S.R. 2006 No. 405; relevant amending Rules are S.R. 2006 No. 462, S.R. 2008 Nos. 410 and 498, S.R. 2009 No. 338, S.R. 2010 No. 8 and S.R. 2011 No. 119
(2) Paragraph (12) was amended by regulation 4 of S.R. 2008 No. 410
(3) Regulation 84(1) was amended by regulation 2(4) of S.R. 2006 No. 462

- (c) by any other means which the relevant authority agrees to accept in any particular case.”.
- (5) In regulation 86(2) (notification of decisions) after “signed by him,” insert “within one month of the date of the notification of that decision (or, if the decision was notified before 1st May 2011, before 1st June 2011)”.
- (6) In regulation 93(2) (circumstances in which payment may be made to a landlord) omit “by sending to the claimant an instrument of payment payable”.
- (7) In Schedule 4 (applicable amounts)—
- ^{F1}(a)
- (b) in paragraph 20(9)(4) (amounts of premiums specified in Part III) in the first column omit “where the conditions in paragraph 15 are satisfied”.
- (8) In Schedule 5 (sums to be disregarded in the calculation of earnings) in paragraph 17(3)(a) for “paragraphs 3 to 10” substitute “paragraphs 3 to 10A”.
- (9) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 15 in sub-paragraphs (ba) and (bc)(5) after paragraph (ii) insert—
- “(ii) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010(6);”;
- (b) in paragraph 26—
- (i) in sub-paragraph (1)(7) omit “to the extent specified in sub-paragraph (3)”, and
- (ii) omit sub-paragraph (3); and
- (c) in paragraph 49A(2)(8) in the definition of “liable relative” for “Income Support (General) Regulations (Northern Ireland) 1987” substitute “Income Support Regulations”.

Textual Amendments

- F1** Reg. 4(7)(a) revoked (31.10.2011) by [The Social Security \(Miscellaneous Amendments No. 2\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/357\)](#), regs. 1(1), 26, **Sch.**

Commencement Information

- I1** Reg. 4(1)-(6), (7)(b)(8)(9)(a)(c) in operation at 1.5.2011, see [reg. 1\(1\)](#)
- I2** Reg. 4(7)(a)(9)(b) in operation at 1.4.2011 for specified purposes, see [reg. 1\(2\)\(b\)](#)
- I3** Reg. 4(7)(a)(9)(b) in operation at 4.4.2011 in so far as not already in force, see [reg. 1\(2\)\(a\)](#)

(4) Paragraph 20(9) was amended by Schedule 6 to [S.R. 2011 No. 119](#)

(5) Sub-paragraphs (ba) to (bc) were inserted by regulation 2 of [S.R. 2010 No. 8](#)

(6) Royal Warrant made on 16th February 2010

(7) Sub-paragraph (1) was amended by regulation 5(5)(b) of [S.R. 2008 No. 498](#) and regulation 6(6)(c) of [S.R. 2009 No. 338](#)

(8) Paragraph 49A was substituted by regulation 6(6)(d) of [S.R. 2009 No. 338](#)

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 2011, Section 4.