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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 136**

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

**Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations**

5.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(1) are amended in accordance with paragraphs (2) to (8).

(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 62 (time and manner in which claims are to be made)—

- (a) in paragraph (1)(2) at the beginning insert “Subject to paragraph (1A),”; and
- (b) after paragraph (1) insert—

“(1A) In any case where paragraph (6)(a) applies, paragraph (1) does not entitle a claimant to claim housing benefit in respect of any day earlier than 3 months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(3)).”.

(4) In regulation 65(1)(4) (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 62 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
- (c) by any other means which the relevant authority agrees to accept in any particular case.”.

(5) In regulation 67(2) (notification of decision) 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 74(2) (circumstances in which payment may be made to a landlord) omit “by sending to the claimant an instrument of payment payable”.

(7) In paragraph 3 of Schedule 4 (family premium) for sub-paragraph (2) substitute—

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(1) S.R. 2006 No. 406; relevant amending Regulations are S.R. 2006 No. 462, S.R. 2008 No. 410 and S.R. 2010 No. 8  
(2) Paragraph (1) was amended by regulation 5(a) of S.R. 2008 No. 410  
(3) S.R. 1987 No. 465  
(4) Regulation 65(1) was amended by regulation 3(4) of S.R. 2006 No. 462

“(2) The amount specified in sub-paragraph (1) shall be increased by £10.50 where the claimant or the claimant’s partner is in receipt of child tax credit and the family element includes the amount in regulation 7(3)(a) of the Child Tax Credit Regulations 2002.”.

(8) In paragraph 1 of Schedule 6(5) (sums to be disregarded in the calculation of income other than earnings) in sub-paragraphs (ba) and (bc) after paragraph (ii) insert—

“(ia) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010;”.