1993 No. 414

HOUSING; RATES

The Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1993

Made . . . . . 11th October 1993

Coming into operation . . 15th November 1993

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(*d*), 131(1), 132(3) and 132(4)(*b*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**b**) so far as relates to matters with regard to which consent is required, and after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it(**c**), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1993 and shall come into operation on 15th November 1993.

(2) In these regulations "the principal regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**d**).

(3) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation) in the definition of "owner" after "simple" there shall be inserted "or leasehold interest".

Amendment of regulation 30 of the principal regulations

3. In regulation 30 of the principal regulations (earnings of self-employed earners) after "pursuant to" there shall be inserted "provision or"; and after

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(**a**) 1992 c. 7

(**b**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))

(**c**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(**d**) S.R. 1987 No. 461; relevant amending regulations are S.R. 1988 Nos. 186 and 424, S.R. 1990 Nos. 136 and 345 and S.R. 1993 Nos. 145 and 381

(**e**) 1954 c. 33 (N.I.)

"Department of Economic Development under" there shall be inserted "sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**a**) or".

Amendment of Schedule 2 to the principal regulations

4. In Schedule 2 to the principal regulations (applicable amounts)—

(*a*) in paragraph 7(1)(*b*) for "approved" there shall be substituted "arranged";

(*b*) in paragraph 12(5) for "provided under" there shall be substituted "provided or arranged under".

Amendment of Schedule 4 to the principal regulations

5. In Schedule 4 to the principal regulations (sums to be disregarded in the calculation of income other than earnings)—

(*a*) in paragraph 10 for "Article 50 or 51" there shall be substituted "Article 50, 51 or 55(1)";

(*b*) for paragraph 11 there shall be substituted the following paragraph—

"11. In the case of a claimant participating in provision or arrangements for training under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**b**), or attending a course at an employment rehabilitation unit established under any of those sections—

(*a*) any travelling expenses reimbursed to the claimant;

(*b*) if he is a person to whom regulation 5(5)(*b*) applies (circumstances in which a person is to be treated as occupying a dwelling as his home), any lodging allowance under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 3(3) of the Employment and Training Act (Northern Ireland) 1950 but only for the purposes of assessing entitlement to housing benefit in respect of the dwelling which he normally occupies as his home; and

(*c*) any training premium under the Employment and Training Act (Northern Ireland) 1950,

but this paragraph, except insofar as it relates to a payment under sub-paragraph (*a*), (*b*) or (*c*), does not apply to any part of any allowance under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 3(3) of the Employment and Training Act (Northern Ireland) 1950.";

(**a**) 1945 c. 6 (N.I.); sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 (c. 4 (N.I.)) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))

(**b**) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

(*c*) in paragraph 12 for "arrangements made under" there shall be substituted "provision or arrangements made under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or";

(*d*) in paragraph 36 for "to which the preceding paragraphs relate" there shall be substituted "to which this Schedule relates".

Amendment of Schedule 5 to the principal regulations

6. In Schedule 5 to the principal regulations (capital to be disregarded) for paragraph 33 there shall be substituted the following paragraph—

"33. £200 of any payment, or if the payment is less than £200, the whole of the payment made under section 4 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or section 1 of the Employment and Training Act (Northern Ireland) 1950 as a training bonus to a person participating in provision or arrangements for training under either of those Acts but only for a period of 52 weeks from the date of receipt of that payment.".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th October 1993.

(L.S.) *W. G. Purdy*
Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 11th October 1993.

(L.S.) *R. E. Aiken*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987 in the following respects—

(*a*) they amend the definition of ''owner'' to include leasehold interest (regulation 2);

(*b*) they include provisions for disabled persons under the Disabled Persons (Employment) Act (Northern Ireland) 1945 in relation to earnings of self-employed earners, sums to be disregarded in the calculation of income other than earnings and capital to be disregarded (regulations 3, 5(*b*) and (*c*) and 6);

(*c*) they disregard lodging allowances payable to certain young people continuing their secondary education (regulation 5(*a*));

(*d*) they clarify that any payment made under the legislation of, or any scheme operating in, the Republic of Ireland which is analogous to any income to which Schedule 4 relates attracts the appropriate disregard (regulation 5(*d*));

(*e*) they also contain consequential amendments (regulation 4).