2004 No. 47

HOUSING; RATES

The Housing Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 2004

Made - - - - - 12th February 2004

Coming into operation 12th April 2004

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(d), 132(3) and (4), 132A and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**), and now vested in it(**b**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**c**), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**d**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 2004 and shall come into operation on 12th April 2004.

(2) In these Regulations –

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**e**);

"the State Pension Credit Regulations" means the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(**f**).

(3) The Interpretation Act (Northern Ireland) 1954(**g**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Housing Benefit Regulations

2.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph 16(2)(**h**) of Schedule 3 (sums to be disregarded in the calculation of earnings) –

(**a**) 1992 c. 7; section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14)
(**b**) *See* Article 8(b) of S.R. 1999 No. 481
(**c**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see also* Article 6(b) of S.R. 1999 No. 481
(**d**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**e**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1996 No. 93, S.R. 1999 No. 298, S.R. 2003 Nos. 1 and 196 and S.R. 2003 No. 338
(**f**) S.R. 2003 No. 197; relevant amending Regulations are S.R. 2003 No. 418
(**g**) 1954 c. 33 (N.I.)
(**h**) Paragraph 16 was substituted by paragraph 10 of Schedule 2 to S.R. 2003 No. 1

(a) in head (b) –

(i) sub-paragraph (ii)(bb) shall be omitted;

(ii) in sub-paragraphs (iii) and (iv), for "30 hours" there shall be substituted "16 hours", and

(iii) in sub-paragraph (iv), "or both members are", shall be omitted, and

(b) after head (b), there shall be inserted the following head –

"or

(c) the claimant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit Regulations (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.".

(3) In paragraph 61(**a**) of Schedule 4 to those Regulations (sums to be disregarded in the calculation of income other than earnings) –

(a) before "paragraph 16" there shall be inserted "sub-paragraph (1) of", and

(b) for the words from "entitled" to "2002" there shall be substituted "a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph".

Amendment of the State Pension Credit Regulations

3.—(1) The State Pension Credit Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 8 (income and capital), in paragraph (4)(**b**) of the substituted regulation 23 (calculation of claimant's income and capital in savings credit only cases) –

(a) in sub-paragraph (c) –

(i) after head (iii) there shall be inserted "or", and

(ii) head (v) and the word "or" which precedes it shall be omitted, and

(b) after sub-paragraph (c) there shall be inserted –

"(cc) any amount to be disregarded by virtue of paragraph 9(1) of Schedule 3A;".

(3) In Schedule 2 (disregards), in the First Schedule (which is to have effect as Schedule 3A to the Housing Benefit Regulations) –

(a) in paragraph 5(1)(a), after head (v) there shall be inserted –

"(vi) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(**c**);", and

(b) in paragraph 9(2)(b) –

(i) sub-paragraph (ii)(bb) shall be omitted;

(ii) in sub-paragraph (iii) and (iv), for "30 hours" there shall be substituted "16 hours";

(iii) in sub-paragraph (iv), "or both are" shall be omitted, and for the words from "week, and" to the end, there shall be substituted "week, and paragraph 5(1) above is satisfied in respect of that person.", and

(iv) after head (b) there shall be inserted the following –

"or

(c) the claimant is, or, if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax credit regulations (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.".

(4) In Schedule 2, in the Second Schedule (which is to have effect as Schedule 4A to the Housing Benefit Regulations), in paragraph 22(**d**), for the words from "entitled" to "2002" there

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(**a**) Paragraph 61 was substituted by regulation 4 of S.R. 1996 No. 93 and amended by regulation 6 of S.R 1999 No. 298, regulation 3 and paragraph 11(b) of Schedule 2 to S.R. 2003 No. 1, regulation 2(b) of S.R. 2003 No. 196 and regulation 3(3) of S.R. 2003 No. 338

(**b**) Paragraph (4) was amended by regulation 2(5)(a) of S.R. 2003 No. 418

(**c**) S.I. 2002/2005

(**d**) Paragraph 22 was amended by regulation 2(14)(b)(ii) of S.R. 2003 No. 418

shall be substituted “a person who satisfies the conditions of sub-paragraph (2) of that paragraph”.

Sealed with the Official Seal of the Department for Social Development on 12th February 2004.

(L.S.) *John O’Neill*
Senior Officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to these Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 13th February 2004.

(L.S.) *Ciaran Doran*
Senior Officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend rules which govern entitlement to housing benefit, in so far as they provide for an additional amount to be disregarded when calculating how much of a claimant's income is to be taken into account for the purpose of determining his right to benefit.

Regulation 2 amends paragraph 16 of Schedule 3 to the Housing Benefit (General) Regulations (Northern Ireland) 1987 which provides for the amount which would otherwise be disregarded from earnings under that Schedule to be increased where certain conditions are satisfied as to the minimum number of hours each week in which the claimant or any partner of his is engaged in remunerative work. Those conditions are amended to reduce the minimum limit from 30 to 16 hours per week where the claimant is a lone parent, or where he and his partner are responsible for one or more children, or where the person engaged in remunerative work is over the age of 50 and has recently started work, or that person satisfies the condition for a disability premium. A consequential change is made in Schedule 4 to those Regulations as respects the amount of working tax credit to be disregarded when calculating income other than earnings.

Regulation 3 makes equivalent changes in Schedule 2 to the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003, which modify the provisions referred to above in the case of persons who have attained the qualifying age for state pension credit and who are not in receipt of income support or an income-based jobseeker's allowance. An amendment is also made in regulation 8 of those Regulations to secure that the amount of income used for calculating the claimant's state pension credit (which must usually also be used for the purpose of calculating his housing benefit) may continue to be adjusted to take account of the additional amount to be disregarded where the conditions as to remunerative work are satisfied.

These Regulations do not impose any charge on business.

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